

By Mr. TAYLOR of Tennessee: A bill (H. R. 10303) granting an increase of pension to Benjamin Jackson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10304) granting a pension to Rhoda Beeler; to the Committee on Invalid Pensions.

By Mr. IRELAND: Resolution (H. Res. 367) to pay Emil Edward Hurja, clerk to the late Hon. Charles A. Sulzer, one month's salary; to the Committee on Accounts.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BRIGGS: Petition of Soldier Settlement Board of Texas, indorsing Mondell bill for soldier settlement under the so-called Lane plan; to the Committee on Military Affairs.

Also, petition of Ninetieth Division Association, indorsing universal military training in limited form; to the Committee on Military Affairs.

By Mr. BURROUGHS: Resolutions of the Educational Council of New Hampshire, by H. P. Swett, secretary, advocating the passage of the Smith-Towner bill; to the Committee on Education.

By Mr. CRAGO: Petition of Ninetieth Division Association, Dallas, Tex., favoring an adequate Regular Army as a nucleus for properly training citizens universally for military service; to the Committee on Military Affairs.

By Mr. EDMONDS: Petition of Philadelphia Board of Trade, opposing passage of Senate bill 1469; to the Committee on Banking and Currency.

By Mr. FULLER of Illinois: Petition of Free Sewing Machine Co., Rockford, Ill., favoring passage of Senate bill 2904 and House bills 8115 and 8315; to the Committee on Patents.

Also, petition of the Monroe County (N. Y.) Civil War Veterans' Association, favoring the Fuller pension bill, House bill 9369; to the Committee on Invalid Pensions.

Also, petition of the Women's Relief Corps, of Streator, Ill., for increase in Civil War pensions; to the Committee on Invalid Pensions.

By Mr. KAHN: Petition of Ninetieth Division Association on the importance of universal military training for the youths of the United States; to the Committee on Military Affairs.

By Mr. MOORE of Pennsylvania: Petition of Philadelphia Board of Trade in opposition to the bill to create a Federal home loan board; to the Committee on Ways and Means.

By Mr. TAYLOR of Tennessee: Petition of Sanford, Chamberlain & Albers Co., of Knoxville, Tenn., favoring passage of House bill 5123 without amendments; to the Committee on the Post Office and Post Roads.

By Mr. TILSON: Petition of bottling concerns of New Haven, Conn., for repeal of section 628 of the revenue act of 1918; to the Committee on Ways and Means.

By Mr. VARE: Petition of Philadelphia Board of Trade, protesting against passage of Senate bill 1469, to create a Federal loan board; to the Committee on Ways and Means.

#### SENATE.

FRIDAY, October 31, 1919.

(Legislative day of Thursday, October 30, 1919.)

The Senate met at 12 o'clock noon, on the expiration of the recess.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 641) to amend section 10 of an act entitled "An act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes," approved March 21, 1918.

The message also announced that the House had passed a bill (H. R. 9112) authorizing the Secretary of War to loan Army rifles to posts of the American Legion, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 2775) to promote the mining of coal, phosphate, oil, gas, and sodium on the public domain, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the concurrent resolution of the Senate numbered 15 assuring the administration of the support of the Congress in dealing with the present industrial emergency.

#### ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

H. R. 9205. An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes; and

H. R. 9697. An act to extend the time for the completion of a bridge across Pearl River, between Pearl River County, Miss., and Washington Parish, La.

#### TREATY RESERVATIONS (S. DOC. NO. 148).

Mr. LODGE. Mr. President, I ask unanimous consent for a reprint of Senate Document No. 135, a compilation of treaty reservations. It includes all that were in the bound volume, but there were some treaties later that were not included in the bound volume and in which I find two cases of reservations. I should like to have a reprint to include those two cases.

The PRESIDENT pro tempore. Without objection, it is so ordered.

#### LEAGUE FOR PRESERVATION OF AMERICAN INDEPENDENCE.

Mr. LODGE. I present a letter from the Nebraska League for the Preservation of American Independence. I ask that it may be printed with the enrolled membership in the Record and referred to the Committee on Foreign Relations.

There being no objection, the letter was referred to the Committee on Foreign Relations and ordered to be printed in the Record, as follows:

NEBRASKA LEAGUE FOR THE  
PRESERVATION OF AMERICAN INDEPENDENCE,  
Freemont, Nebr., October 27, 1919.

HON. HENRY C. LODGE,  
Chairman Committee on Foreign Relations,  
Washington, D. C.

DEAR SENATOR LODGE: Herein find a batch of original membership rolls in our League for the Preservation of American Independence. Many other towns are in process of organization, and many actually organized have retained the membership rolls.

This inclosure contains the following signed rolls from the following places in Nebraska, with the number of signers, to wit:

Freemont and Dodge County	188
Fairmont	64
Hastings	84
Callaway	8
Hebron	10
St. Paul	27
Fullerton	15
Pawnee City	20
Ord	11
Oakdale	105
South Omaha	19
Lexington	148
Fairbury	2
Total	692

In addition to the foregoing, there are large organizations in each of the following towns in Nebraska, to wit:

Omaha, Lincoln, Beatrice, Aurora, David City, Columbus, Silver Creek, and others.

Practically without funds or men we have accomplished all this in four weeks.

The strongest argument against the present covenant of the league of nations we have found to be the covenant itself.

The sole obstacle we encountered has been the serene belief of the people that the Senate could be trusted to prevent the consummation of this international assinnity.

We all believe our fight won, but are conscious that there are often relapses in hysteria.

We thank you for your great service to the Nation.

Yours, very truly,

W. M. CAIN, Secretary.

#### THE GOVERNMENT AND THE STRIKE.

Mr. POMERENE. Mr. President, in this morning's Washington Post there appears an editorial on the Government and the strike. It expresses the situation so clearly and so plainly that he who runs may read. I ask unanimous consent that it may be printed in the Record without reading.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The editorial is as follows:

#### "THE GOVERNMENT AND THE STRIKE."

"The resolution adopted by the United States Senate accurately reflects public sentiment. The people stand solidly behind the President and applaud the vigorous policy of the Government in preparing to frustrate the efforts of the deluded men who seek to freeze and starve the country into surrender.

to their unreasonable demands. If the leaders of the coal miners have any discretion, they will avoid going a step farther on the road that leads to prison; and if the miners stop and think, they will refuse to be made the tools of agitators who are seeking only their own individual advantage.

"The Government is in duty bound to protect the people. If moderate measures do not avail, then sterner measures will be used. There is no limit to the power that can be exerted by the Government. It can crush to powder any combination that raises its hand against the public welfare. It can reach out and take into custody every individual, high or low, who conspires to interfere with the output of coal or who aids or abets in such interference. It can take charge of the mines, put men at work, and protect them while they work. The utter folly of the United Mine Workers' leaders in assuming that they can with impunity defy the United States will become apparent very quickly if they dare to go on with their criminal work.

"There are rumors that other labor leaders will endeavor to bolster up the coal strike by ordering strikes on the railroads. Let us hope that these leaders will not make such a mistake, which would be so disastrous to themselves personally and so injurious to the cause which organized labor has given into their keeping. These leaders have no right to sacrifice their followers through motives of malice, anger, or private advantage. They hold a solemn trust—the welfare of hundreds of thousands of families. They should put aside their personal feelings and recognize their responsibility to their followers. The same law which forbids conspiracies to limit coal production also forbids conspiracies to interfere with transportation. The penalty for violation of the law is plainly stated, so that no man need become guilty through ignorance. If any man draws down upon him the heavy hand of the Government and is sent to prison, it will be his own fault, because he has been duly warned to avoid committing unlawful acts.

"The blunders made by such men as Foster in the steel strike and Lewis in the coal strike are a sharp reminder to union labor that it should be extremely careful in selecting its leaders. The man of violent speech and extreme action is not the man who should be clothed with responsibility for the cause of union labor. This is not a brute-force struggle, but a battle of brains. If the workers will run over the list of labor leaders during the last 50 years, they will notice that union labor received most benefit from moderate, quiet, intelligent men, who carefully worked forward, point by point, and held by law and logic every inch they gained. The least benefit was derived from the haranguing agitators who bragged of their devotion and who advocated extreme methods. The most successful labor unions are those that are never engaged in strikes or other interruptions.

"Americans are more than glad to defend the rights of labor. All of them who are worth their salt are themselves workers at something useful. The country looks with favor upon unions and recognizes that a man has a right to work or quit work as he pleases. The Government has not the slightest intention to interfere with the right of the coal miners to quit work. Attorney General Palmer has made this fact very clear. This is a free country, and the people will keep it free. Those who wish to quit can quit, but they can not make others quit. Those who wish to work can work, but they can not make others work. Therefore there is no ground whatever for the fear expressed by certain labor leaders, to the effect that the Government is to be used as an instrument of tyranny in behalf of employers against employees. That suggestion is a gratuitous piece of disloyalty, and if the labor leaders in question were really patriotic Americans they would not have uttered it. They arouse suspicion as to the quality of their Americanism when they impute base motives to their own Government.

"This is not a propitious time for any labor leader to impugn the Government, but rather a time for fearless opposition to the Bolshevism that anti-Americans are trying to inject into organized labor."

#### EX-PRESIDENT TAFT'S VIEW OF THE STRIKE SITUATION.

Mr. SMITH of Georgia. Mr. President, I wish to call attention to an Associated Press dispatch in the morning papers giving an account of a speech made by ex-President Taft in Massachusetts. In that speech this language was used, according to the Associated Press dispatch:

"In an ordinary strike," he said, "incidental annoyance to the public, which is negligible, does not render the strike illegal. But when enormous combinations of workmen deliberately enter upon a country-wide plan to take the country by the throat and compel the country to compel the employers in that particular field of industry to yield to the demands of the men, they are engaged in an unlawful conspiracy. The sacredness of their individual right to labor on such terms as they

choose and to leave their employment when they will does not protect or justify them in such a conspiracy.

"That is the kind of a conspiracy the bituminous coal miners propose to begin on November 1."

I ask that the entire dispatch may be printed in the Record, and I ask the consideration of the Senate to the suggestion that there are two different kinds of strikes, and that the class of strikes referred to by the ex-President and termed "unlawful" and termed a "conspiracy" against the Government is one that we may well reach not only now under the fuel-control act but in time of peace, and that if legislation is not already sufficient to suppress such a movement the responsibility is upon us to pass such legislation.

There being no objection, the matter referred to was ordered to be printed in the Record, as follows:

"TAFT DECLARES CALLING OF SOFT-COAL STRIKE ILLEGAL CONSPIRACY.

"MALDEN, MASS., October 30.

"Former President William H. Taft, speaking to-night at a political rally here, declared that the bituminous coal miners in calling a strike were 'engaged in an unlawful conspiracy,' and that Congress had full power to 'condemn such a cruel conspiracy as an offense.'

"In an ordinary strike," he said, "incidental annoyance to the public, which is negligible, does not render the strike illegal. But when enormous combinations of workmen deliberately enter upon a country-wide plan to take the country by the throat and compel the country to compel the employers in that particular field of industry to yield to the demands of the men, they are engaged in an unlawful conspiracy. The sacredness of their individual right to labor on such terms as they choose and to leave their employment when they will does not protect or justify them in such a conspiracy.

"That is the kind of conspiracy the bituminous coal miners propose to begin on November 1. The extent of the suffering that they plan to impose upon the public can not be measured. It will fall upon the poor wage earner whose employer will have to shut down for lack of coal.

"The locomotive firemen are threatening a similar strike. If they enter upon this plan, it will constitute a conspiracy to starve the people of the United States into some kind of action to compel the authorities to pay the wages they demand. Congressmen condemn this as an unlawful conspiracy, too."

#### INDUSTRIAL UNREST.

Mr. DIAL. Mr. President, I have here a very timely editorial from the *Laurens Advertiser*, of Laurens, S. C., one of the very sound newspapers of the country, on the subject of strikes. I ask unanimous consent that without reading it may be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

#### "INDUSTRIAL UNREST.

"Picking up at random a daily paper of Saturday and reading the top headlines of every column on the page showed that without exception every column dealt with the industrial unrest of the day. Six of the seven columns dealt with labor troubles in the United States and the seventh dealt with similar troubles in England. The problem of the war has given way to its after effects, and the after effects seem harder to solve than the war itself. Their results, in this country at least, promise to be more far-reaching than the war.

"The problem of the equitable distribution of profits in industry is a difficult one. That the laborer with his hands as distinguished from the laborer of brains is entitled to a fair share of profits can not be denied, the difficulty being a division of the profits without endangering the permanence of the industry. When the rewards of mental labor cease to be as large as those for hand labor the incentive for education and training will be removed, to the great loss of the industry itself. This and the creative power of capital with the risks that capital runs do not seem to appeal to those who cry out for 'industrial freedom' and demand an unreasonable return for the day's labor. They may be killing the goose that is laying the golden egg. Unless a stopping place is reached pretty soon we may expect a paralysis of industry, and the regular pay roll, small as it may seem now, may cease altogether, and conditions in this country will arise similar to those in Russia to-day.

"Collective bargaining, so called, is all right, provided it is confined to bargaining. When it begins to resolve itself into collective intimidation and opposition to the law it is all wrong. The Constitution of this country guarantees every man the right to earn an honest living, and when collective bargaining is stretched into the privilege of keeping another man from work it has transgressed the rights guaranteed to every citizen. The law and the Constitution should be upheld to the letter."



## PERSONAL EXPLANATION.

Mr. KNOX. Mr. President, as a matter of personal privilege, I should like to call attention to the fact that in this morning's New York Tribune there appeared two articles, one of which was intended to put me in a very ridiculous position in the eyes of the world and the other in rather an embarrassing position as between myself and one of my colleagues in the Senate, both of which were absolutely untrue.

The first purported to give a report of my call upon the King of the Belgians during his visit to the city of Washington, in which it was said I was compelled to cool my heels in the antechamber while the King was conversing with Mr. Samuel Gompers. I never called on the King of the Belgians while he was in the city of Washington and never saw the King of the Belgians except as I saw him here in the Chamber, where we all were glad to do him honor.

The other article had reference to a remark made by the Senator from Wisconsin [Mr. LA FOLLETTE] during his address in the Senate yesterday. It was in relation to some confusion in the Chamber, and it is stated that the Senator from Wisconsin turned and remarked that if there was a little more order in the coal section of the Senate he could proceed, indicating, as the paper stated, Senator Knox, of Pennsylvania, Senator SUTHERLAND, of West Virginia, and Senator ELKINS, of West Virginia.

I have not spoken to the Senator from Wisconsin upon this subject at all, but I should like to ask him if at any time during that or any other address he ever made while I was in the Chamber he did not receive my most respectful attention?

Mr. LA FOLLETTE. Mr. President, I will say that whenever I have addressed the Senate I have always been honored and encouraged by the considerate attention of the junior Senator from Pennsylvania [Mr. KNOX]. I remember well the first attempt that I made to address the Senate at the beginning of my service here. The junior Senator from Pennsylvania sat very near to me then, in what was known as "the Cherokee strip," and by suggestions and friendly attention encouraged me throughout my first speech in the Senate. I presume he has forgotten that occasion, but, sir, I never have forgotten it. From that time down to this day I have never made an address in the Senate that I have not had the very closest attention from the Senator from Pennsylvania when he was present, often I have thought beyond the deserving of my effort.

Upon the occasion to which he has just referred, when I spoke upon the resolution offered by the Senator from Colorado [Mr. THOMAS], I recall that I was interrupted by the audible conversation of other Senators sitting quite apart from the Senator from Pennsylvania [Mr. KNOX]. I did at the time make some reference to the interruption, which I withdrew from the RECORD, as I was satisfied that no discourtesy was intended.

## HOUSE BILL REFERRED.

H. R. 9112. An act authorizing the Secretary of War to loan Army rifles to posts of the American Legion was read twice by its title and referred to the Committee on Military Affairs.

## PETITIONS AND MEMORIALS.

Mr. TOWNSEND presented the petitions of L. G. Grey, a citizen of the State of Michigan, praying for the separation of the league of nations covenant from the treaty of peace with Germany, remonstrating against the adoption of the proposed league of nations covenant unless certain reservations are adopted, and remonstrating against the ratification of the treaty of peace with Germany, which were ordered to lie on the table.

He also presented a memorial of Local Lodge No. 848, Brotherhood of Railway Carmen, of Muskegon, Mich., remonstrating against the adoption of certain clauses in the so-called Cummins bill for the private ownership and control of railroads, which was ordered to lie on the table.

He also presented a memorial of the Michigan Association of Creamery Owners and Managers remonstrating against the enactment of legislation which will in any way conflict with the established trade practices in the creamery industry, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of Local Council No. 1585, Knights of Columbus, of Baraga, Mich., remonstrating against the War Department taking over work heretofore performed in Army camps by various welfare societies, which was referred to the Committee on Military Affairs.

Mr. PAGE presented a memorial of the Ladies' Auxiliary, Ancient Order of Hibernians of America, remonstrating against the ratification of the proposed league of nations treaty, which was ordered to lie on the table.

Mr. LODGE presented a memorial of the State Council of New Jersey, Junior Order United American Mechanics, and a

memorial of sundry citizens of Framingham, Mass., remonstrating against the ratification of the proposed league of nations treaty unless certain reservations are adopted, which were ordered to lie on the table.

## DEPORTATION OF ALIENS.

Mr. DILLINGHAM. Mr. President, yesterday I reported from the Committee on Immigration the bill (H. R. 6750) to deport certain undesirable aliens and to deny readmission to those deported. The bill has passed the House, and I understand by a unanimous vote. I am in possession of a letter from the Attorney General urging the immediate passage of the bill. It should be done before the treaty is acted upon, as without this additional legislation those who are now interned and those who have violated any of the war acts and have been convicted of the same must be turned free. I therefore ask unanimous consent for the present consideration of the bill.

Mr. GRONNA. Mr. President, I do not know that I shall have any objection whatever to the bill, but I wish to say that I can not consent this morning to its immediate passage without some consideration.

The PRESIDENT pro tempore. Objection is made.

## CANADIAN OWNERSHIP OF AMERICAN RAILROADS.

Mr. KELLOGG. By direction of the Committee on Interstate Commerce I report back favorably without amendment Senate resolution 222, and I ask unanimous consent for its immediate consideration. I will state that the resolution simply requests the Interstate Commerce Commission to investigate and furnish the Senate the information as to either the present or the prospective ownership by the Canadian Government of any railroads within the United States.

There being no objection, the resolution was considered by unanimous consent and agreed to, as follows:

*Resolved*, That the Interstate Commerce Commission be directed to investigate and report to the Senate the facts in connection with the present or prospective ownership or control by the Government of the Dominion of Canada, either directly or through the ownership and control of the stocks of any corporation or company, of any line or lines of railway or part thereof, situate within the territory of the United States, together with a statement of the mileage of said railroads.

## BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WOLCOTT:

A bill (S. 3349) granting an increase of pension to John A. McAleer; to the Committee on Pensions.

By Mr. JONES of Washington:

A bill (S. 3350) granting an increase of pension to Henry S. Back (with accompanying papers); to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 3351) to create in the Army of the United States a corps to be known as the Corps of Chaplains; to the Committee on Military Affairs.

By Mr. SWANSON:

A bill (S. 3352) increasing the limit of cost of the Aqueduct Bridge across the Potomac River; to the Committee on Public Buildings and Grounds.

By Mr. HENDERSON:

A bill (S. 3353) to save daylight in the District of Columbia; to the Committee on the District of Columbia.

By Mr. BRANDEGEE:

A bill (S. 3354) to authorize the President of the United States to reappoint Seth William Scofield major of Cavalry; to the Committee on Military Affairs.

By Mr. HENDERSON:

A joint resolution (S. J. Res. 121) declaring November 11 a legal public holiday to be known as armistice day; to the Committee on the Judiciary.

## WITHDRAWAL OF PAPERS—SALLIE HARDWICK.

On motion of Mr. FLETCHER, it was

*Ordered*, That the papers accompanying the bill (S. 589, 66th Cong., 1st sess.) granting a pension to Sallie Hardwick, be withdrawn from the files of the Senate, no adverse report having been made thereon.

## THE IRISH QUESTION.

Mr. WALSH of Massachusetts. I ask unanimous consent to have printed in the RECORD a letter from Michael J. O'Brien, the historiographer of the American Irish Historical Society of New York, in answer to a portion of a recent speech by the Senator from Mississippi [Mr. WILLIAMS] in regard to the service of soldiers of Irish extraction in the Civil War. The letter is very short, and I ask that it be inserted in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:



OCTOBER 22, 1919.

HON. DAVID I. WALSH,  
United States Senator from Massachusetts,  
Washington, D. C.

DEAR SIR: I am taking the liberty of addressing you for the purpose of requesting that you have inserted in the CONGRESSIONAL RECORD an answer to the speech of the Hon. JOHN SHARP WILLIAMS in the Senate on October 16. In that speech much was said about the Irish in the Civil War. It was asked, among other things, "What did the Irish have to do with it?"

In a previous letter I quoted, among other unquestionable evidence proving Irish participation in the Revolutionary War, the testimony of the commanding general of the enemy forces, and I shall now quote for your information a statement of the commanding general of the enemy forces in the Civil War, Gen. Robert E. Lee.

If one will look up the files of the New York Sun at the Library of Congress and turn to the issue of that paper of April 17, 1885, he will find a report of a long interview which Rev. George W. Pepper, chaplain of the Fifteenth Corps, Army of the Tennessee, had with Gen. Lee. The interview was held in Richmond a short time before the close of the war, and among the many interesting things contained in it I quote the following, word for word:

"To the question, 'What, Gen. Lee, in your opinion, caused the failure of the South?' 'I am not a very good extemporaneous speaker,' he replied. 'The most important factor was the superiority in the immense numbers of your soldiers and in your unbounded resources. The North had all the advantages, a land of vast wealth, cities secure from the evils of civil war, and a constant stream of emigrants from Ireland and Germany to replenish your diminished ranks. In a speech of Mr. Everett's, which I have been reading this very day, he states that there were at one time 200,000 Irishmen in the Federal armies. The population of the South was never more than 7,000,000. With 5 to 1 against them the men of the Confederacy performed a mighty task and made a tremendous step toward their independence.'"

In another part of this remarkable interview, Dr. Pepper wrote: "Our next topic of conversation was the European element in both armies. Speaking of the Irish, he declared with much feeling that 'the South could not reconcile with their ideas of consistency how Irishmen who were so violently opposed to the thralldom of Britain could enlist on the northern side when all the wrongs of Ireland were mosquito bites in comparison to those inflicted on the South.'"

"Adverting to the character of the Irish as soldiers, the general paid them a high compliment. 'Cleburne,' he said, 'was possessed of a hero's heart and a soldier's honor. On a field of battle he shone like a meteor in a clouded sky. Not a single vice stained him. The care which he took of his soldiers was incessant. His integrity was proverbial.'"

"I mentioned the name of Thomas Francis Meagher as the popular idol of the northern Irishmen. 'Yes,' continued he, 'Meagher on your side, though not Cleburne's equal in military genius and experience, rivaled him in bravery and in the affections of his soldiers. The heroic stand and desperate though fruitless gallantry of that brigade of Meagher's upon the heights of Fredericksburg never has been equaled. Though totally routed they reaped a harvest of glory. Their reckless and splendid charges upon our lines excited the heartiest applause of our soldiers and officers. Meagher was the bravest of the brave.'"

"I inquired about the residence of John Mitchel, upon whom I subsequently called. He gave me the address and continued: 'Mitchel is a born Confederate, a powerful and brilliant writer, a scholar of splendid ability, a gallant gentleman, to the South always true, and a tower of strength to our cause.'"

It is to be assumed that Gen. Lee was as competent a witness to testify upon the events of the Civil War as Gen. Clinton was upon the events of the Revolutionary War, and now that the Senator has had this remarkable statement brought to his attention, I hope he will act the part of a southern gentleman and withdraw his cruel and unjustifiable animadversions upon the Irish in the Civil War.

Very respectfully,

MICHAEL J. O'BRIEN.

#### PRESSING DOMESTIC QUESTIONS.

MR. WILLIAMS. Mr. President, I ask unanimous consent to have inserted in the RECORD an article by Mr. William R. Boyd, jr., national campaign manager of the League to Enforce Peace, the article being entitled "Serious business," and calling attention to the number of very serious domestic questions the solution of which is awaiting the disposal of the pending treaty.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

#### "SERIOUS BUSINESS."

[By William R. Boyd, jr., national campaign manager League to Enforce Peace.]

"A merchant in a middle western town recently said to me that the Senators will soon discover something serious is likely to happen to business unless action is had on the peace treaty. His statement recalls the old negro woman who, when told of the sudden death of her husband, exclaimed, 'My Gawd! Dere must a been sumpin serious de matter wid him.'"

"There is something seriously the matter with the whole world. No one knows it better than the American business man. He knows that the Senate of the United States is playing with fire every day it delays the ratification of the peace settlement.

"The business man knows that almost all of Europe and Asia is in a state of upheaval, evolution, and revolution. He knows that right here in America a fire is being fanned by a large, unassimilated, and un-Americanized foreign population.

#### "INDUSTRIAL RECONSTRUCTION WAITS."

"The business man knows that capital, ever timid, hesitates to pour its money into industrial reconstruction through fear of political disturbance or revolutionary changes in industrial methods. He knows that credit and currency and living costs are inflated, and that the public generally is restless and clamoring for reduced prices for necessities and all manufactured goods. He knows that operating costs and wage levels are skyrocketing and production decreasing.

"The business man knows that the country over merchants report an orgy of consumers buying luxuries, both in rural and urban sections, with a tendency to expand individual credit. He knows that the country banks, though bulging with deposits, are loaned almost to the limit of their capacity.

"The business man knows that international problems do have a far-reaching effect upon the prosperity of this Nation and the happiness of its people. Ditto, domestic problems, like the seemingly forgotten transportation situation, in which even the babes in arms of our land have a vital interest.

"The business man knows there is important work to be done by the Congress of the United States and that the Senate ought to facilitate that work by ratifying the treaty of peace now—and without amendment or destructive reservations that would require renegotiations or resubmission to another conference of nations, thus holding in abeyance the settlements growing out of the war.

#### "WHILE THE SENATE TALKS."

"Knowing these things, ought not the business man to tell the Senate what he knows in forceful and unmistakable language? And, to purloin a Wattersonian phrase, in America every man who is not a policeman or a dude—the banker, the minister, the lawyer, the doctor, the farmer—is a business man.

"While the Senate consumes precious time gas attacking parts of the treaty which it knows it can not rewrite without the consent of other signatory nations, Germany is mobilizing for war. Oh, no; not in a military sense, for the treaty will force her to beat her swords into plowshares once it gets into effect. Already Germany is 'consolidating her positions,' industrially speaking, and her horde of commercial soldiers are invading Russia and Scandinavia and all the rest of the world where she may be able to obtain passports for them. Thus, while our Senate talks, talks, talks, our chief enemy consolidates her industrial forces for teamwork to attempt to commercially Germanize the markets of the world. Now, Great Britain, France, Italy, and Belgium have ratified the settlement made at Versailles and are moving their commercial batteries into position.

#### "THE FOUR BIG FACTORS."

"Here four powerful and contributory forces are admittedly influencing readjustments and the status of our domestic and foreign commerce, to wit:

"First. The peace treaty.

"Second. The labor problem.

"Third. The money market.

"Fourth. Foreign credits and exchange.

"Business, generally, optimistically expects all four of these problems to be worked out with reasonable promptness. The war settlement contained in the peace treaty is regarded as the paramount factor in readjustments. It also has particular influence upon the third and fourth propositions above stated. Therefore, the first move to be expected is action by the Senate, as it alone has the power to remove the first disturbing factor and permit final decision on the many business commitments that are being deferred until the treaty is ratified.



## "CAPITAL, LABOR, THE PUBLIC.

"The second proposition—the labor problem—is now under discussion by the Industrial Conference, meeting in Washington upon invitation of the President. There two warring elements have been brought together in council—with representatives of the consuming public occupying the middle ground—to confer over conditions fundamental to the tranquillity and prosperity of the entire citizenship of the Nation. Business circles regard this conference as an augury of better arrangements; as an opportunity to prove that labor, capital, and the public can work with, not for, each other; a chance for them to get together and pull together during the era of commercial rivalry which we are now entering upon.

"The third proposition—the money market—is only partially dependent upon the working out of the first and second. In a degree not altogether measurable we are suffering from abnormal speculation, due in part perhaps to the fact that some elements of business are joy-riding and exceeding the speed limit. The turnover in high-priced and luxurious mercantile stocks is remarkably large and testifies how 'leaky' the dollar is, and partially explains the general demand for higher compensation for service. Large amounts of money are being diverted into highly speculative channels while credit and currency are required in large volume for crop moving and governmental and legitimate corporate financing. Despite all this, however, thanks to our admirable Federal Reserve system, there is no scarcity of money at the moment for purely commercial requirements, though the rate is high.

## "FOREIGN CREDITS AND EXCHANGE.

"The fourth proposition—foreign credits and exchange—can not be worked out definitely until after ratification of the peace treaty. Safe and definite plans must be made to facilitate the carrying on of our trade with the rest of the world. In the case of Europe and South America the exchange situation is hindering American exports, and it is imperative that an early solution be found of the method of payment for the goods we sell them. A sound system of credits must be developed and inaugurated if we are to enjoy the prosperity that follows the sale of our surplus commodities for foreign consumption. To aid in finding the solution of some of these pressing problems, business men from England, France, Italy, Belgium, and other countries are now meeting with American business men in Atlantic City, under the auspices of the Chamber of Commerce of the United States. Here the viewpoint of the occidental business world will seek common denominators by means of round-table discussion, a principle sought to be applied to the settlement of many world problems through the proposed league of nations.

## "JOHN H. PATTERSON'S VIEWS.

\*One of America's foremost and far-sighted business men is just home from an investigation of business conditions in France, England, Belgium, and Germany. He publicly reports his impressions, and, among other things, he emphatically says:

"I have just returned from a trip to Europe. I went to study business conditions. The most important thing to do to restore international business is to quickly ratify the treaty of peace and establish a league of nations.

"That business man is John H. Patterson, the president and general manager of the National Cash Register Co., which concern has ramifications throughout the commercial world. His viewpoint seems to be general among business men everywhere.

"The American business man knows the Senate ought to ratify the treaty at the earliest possible moment, and then get the Congress down to work on other pressing problems. He knows that the mind of individual Senators is decided about what each is going to finally do when the vote on the treaty is taken.

"Why, then, can not American business, big and little, from Duluth to Mobile and from Santa Barbara to Wilmington, let the Senate know that what it needs and wants is more light and less heat, more speed and less procrastination on Capitol Hill, Washington, D. C.? Concerted action on the part of the American public usually gets results, for the people's Senators understand what that means.

"Let the American business man do some quick thinking and acting. Also the American farmer, who, collectively taken, is the biggest business man of all; he should speak first and loudest."

## OIL AND GAS LANDS.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 2775) to promote the mining of coal, phosphate, oil, gas, and sodium on the public domain.

Mr. SMOOT. I move that the Senate disagree to the amendments of the House, and request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. SMOOT, Mr. FALL, Mr. LENROOT, Mr. MYERS, and Mr. PITTMAN conferees on the part of the Senate.

Mr. SMOOT. I ask that the bill (S. 2775) to promote the mining of coal, phosphate, oil, gas, and sodium on the public domain be printed, showing the amendments of the House.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## CONTROL OF RAILROAD TRANSPORTATION—CONFERENCE REPORT.

Mr. CUMMINS. I submit a conference report on the disagreeing votes of the two Houses on the bill (S. 641) to amend section 10 of an act entitled "An act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes," approved March 21, 1918. I ask that the report be printed in the Record. I hope to call it up to-morrow.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). Without objection, it will be so ordered.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill S. 641, entitled "An act to amend section 10 of an act entitled 'An act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes,' approved March 21, 1918," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 1.

That the Senate recede from its disagreement to the amendments of the House numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 11, and agree to the same with an amendment as follows: In the proviso of said amendment after the word "made" insert the words "by him," and at the end of said amendment insert the following: "except that this proviso shall not apply to cases now pending before the Interstate Commerce Commission, which cases shall proceed to final determination under the law as it existed at the time of the passage of this act"; and the House agree to the same.

ALBERT B. CUMMINS,

ROBERT M. LA FOLLETTE,

Managers on the part of the Senate.

JOHN J. ESCH,

E. L. HAMILTON,

Managers on the part of the House.

## TREATY OF PEACE WITH GERMANY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. THOMAS. Mr. President—

Mr. LA FOLLETTE. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	La Follette	Sheppard
Ball	Hale	Lenroot	Sherman
Brandegee	Harris	Lodge	Smith, Ariz.
Capper	Harrison	McCumber	Smith, Ga.
Chamberlain	Henderson	McLean	Smith, Md.
Colt	Hitchcock	McNary	Smoot
Culberson	Johnson, S. Dak.	Moses	Spencer
Cummins	Jones, N. Mex.	Nelson	Sterling
Curtis	Jones, Wash.	Newberry	Swanson
Dial	Kellogg	Norris	Thomas
Dillingham	Kendrick	Nugent	Townsend
Elkins	Kenyon	Owen	Trammell
Fall	Keyes	Page	Walsh, Mass.
France	King	Phipps	Walsh, Mont.
Gay	Kirby	Pomerene	Williams
Gerry	Knox	Robinson	Wolcott

Mr. CURTIS. I was requested by the chairman of the Committee on Military Affairs to announce that that committee is holding a joint meeting with the Committee on Military Affairs of the House this morning and that a number of Senators on that committee are absent on that account.

Mr. GERRY. The senior Senator from Kentucky [Mr. BECKHAM], the Senator from North Carolina [Mr. OVERMAN], and the junior Senator from Kentucky [Mr. STANLEY] are detained

on public business. The Senator from Oklahoma [Mr. GORE], the Senator from California [Mr. PHELAN], the Senator from Nevada [Mr. PITTMAN], and the Senator from Tennessee [Mr. SHIELDS] are absent on official business. The Senator from North Carolina [Mr. SIMMONS] and the Senator from Missouri [Mr. REED] are detained on account of illness. The Senator from South Carolina [Mr. SMITH] is absent on account of illness in his family.

Mr. GAY. The senior Senator from Louisiana [Mr. RANSDELL] is detained from the Senate on official business.

The PRESIDENT pro tempore. Sixty-three Senators have answered to their names. There is a quorum present.

Mr. THOMAS resumed and concluded the speech begun by him yesterday. The entire speech is as follows:

*Thursday, October 30, 1919.*

Mr. President, on the 22d of August last I submitted some observations to the Senate upon the provisions of Part XIII of the proposed treaty. I had previously devoted considerable time and thought to the 40 articles constituting that portion of the treaty, and expressed some surprise that it had not been discussed in the Senate and by the press. I then regarded it as in many respects the most important portion of the treaty. Since then I have reexamined it, giving to the task all the time which my other duties permitted, and prompted by the determination to comprehend, if possible, the full scope and extent of its provisions.

Yesterday I gave close attention to the speech of the Senator from Wisconsin [Mr. LA FOLLETTE] upon this part of the treaty. He has reached a conclusion identical with my own, but bases it upon an entirely different line of reasoning. Stated concretely, the Senator from Wisconsin criticizes Part XIII because it does not protect and safeguard American labor. But he also challenges the constitutionality of some of the articles, and in that respect I am disposed to accept his contention. Without repeating what I said last August, I shall consider Part XIII as an integer of the league and its relation to the Government and people of the United States, together with certain changes by way of amendment already in contemplation. For I am persuaded that Part XIII as now constructed contains the framework of a supernational, armed with certain conditional powers of administration, both executive, legislative, and judicial, including the power to summon a member upon the complaint of any industrial organization, of the governing body, or of any delegate to the general conference, who may charge it with failure to enforce its covenants to the bar of its commissions of inquiry and pass judgment upon it.

Treaties between nations are stated by a competent authority to be "unconstrained acts of independent powers placing them under an obligation to do something which is not wrong." As understood by writers upon international law, a treaty constitutes a pact or agreement between two or more nations acting in their sovereign capacity and competent to make and observe the covenant.

The pending treaty purports to be one of 27 nations with Germany, but it as well includes a segment or class of people common to all of them, and that the wage-earning class. These are lifted from the common mass of mankind and given a distinct individuality in the treaty, which confers upon them certain rights and privileges in recognition of what is said to be their peculiar need, and of course in the interests of a permanent universal peace. That is the remarkable feature of Part XIII; one hitherto unknown in the treaty agreements negotiated heretofore between sovereign nations.

Part XIII was not drafted by the Versailles congress. The Senator from Wisconsin told us yesterday of its origin. It was drafted by a commission, representing several nations, not exceeding 9 or 10, and consisting in the aggregate of about 15 delegates. These delegates were the representatives of, and identified with, the class to which Part XIII relates. I think it may be assumed that men empowered to draft an agreement in their own interest will carefully and vigilantly safeguard that interest, whether the agreement be between individuals or between nations. That is human nature. I am not criticizing. I am commending it, but I emphasize the fact that in the preparation of Part XIII the principal thing in view was not permanent peace among the nations, not the welfare of all mankind, except as that welfare might be common to the class for whose benefit Part XIII was specially designed.

Mr. LA FOLLETTE. Mr. President—

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Does the Senator from Colorado yield to the Senator from Wisconsin?

Mr. THOMAS. I yield.

Mr. LA FOLLETTE. Will the Senator permit me in that connection to call attention to the fact that the five great nations, constituting the power of decision in the peace conference, were represented in this legislative commission of which he is now speaking?

Mr. THOMAS. Yes; that is, the United States, the British Empire, France, Italy, and Japan.

Mr. LA FOLLETTE. Yes; and of course they held the controlling power on the commission.

Mr. THOMAS. They were the controlling power.

Mr. LA FOLLETTE. They were represented by two delegates each to whom were added—

Mr. THOMAS. To whom were added the representatives of four other nations.

Mr. LA FOLLETTE. To whom were added the representatives of four other nations.

Mr. THOMAS. Belgium, represented by two delegates; Cuba, Poland, and the Czecho-Slovak Republic, represented by one delegate each. That is correct.

Mr. OWEN. Was it a unanimous report?

Mr. THOMAS. I think the report was unanimous. It would, perhaps, be more correct to say that the report was made by the president and secretary by the direction of the commission.

Upon the return of Mr. Gompers to America he stated, among other things, in discussing Part XIII, that "the labor articles of the treaty were drawn by labor men for labor." That is a very frank and clear statement of the fact. It does credit to Mr. Gompers, who gives the plain, unvarnished truth to the people. A treaty or a part of a treaty drawn by a certain class of men for themselves, whatever their occupation, is not in essence intended for the peace of the world or the welfare of mankind, but it is intended for the benefit of that selected portion thereof authorized to negotiate articles for their peculiar interest. Indeed, Part XIII begins and concludes with recitals supporting this contention. The preamble reads:

#### Section I.

##### ORGANISATION OF LABOUR.

Whereas the league of nations has for its object the establishment of universal peace, and such a peace can be established only if it is based upon social justice;

And whereas conditions of labour exist involving such injustice, hardship, and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled; and an improvement of those conditions is urgently required; as, for example—

And so forth.

Turning now to the concluding article in this part of the treaty, I read:

#### Article 427.

The high contracting parties, recognising that the well-being, physical, moral, and intellectual, of industrial wage earners is of supreme international importance, have framed, in order to further this great end, the permanent machinery provided for in Section I and associated with that of the league of nations.

These gentlemen regarded that section of humankind which they represented and were identified as needing special international regulations for their welfare because their "well-being, physical, moral, and intellectual," was "of supreme international importance"; and when we ratify this treaty we commit the United States to an official and irrevocable indorsement and recognition of that recital. So far as it goes, the recital may be true; but I contend that the well-being of the industrial wage earner, either in the United States or elsewhere, is of no more "supreme international importance" than is the welfare of the farmers, the intellectual wage earners, the merchants, and the manufacturers of the world. All are of equal importance in all well-regulated and law-abiding communities; and I question the propriety or the justice of incorporating such a distinction in a treaty, however important it may be for the peace of the world, for it unquestionably confers upon the particular class thus distinguished the right not only to insist but to assume and to base the assumption upon an international covenant that their welfare is of an importance superior to and beyond that of all other classes of men and therefore entitled to special consideration.

I am unable to harmonize such a declaration with the general doctrine of democracy which is founded upon the principle of equality and dedicated to the principle that the welfare of all men is the first duty of governments. If this war was fought "to make the world safe for democracy"—an assertion which I have sometimes questioned—the end for which our blood and treasure were expended in unstinted measure must be ignored, if we are to supplement our victory by crystallizing into a treaty of peace the official recital that one part of the people of the world is of supreme international importance as compared with all other parts thereof.



If in place of the words "industrial wage earners," in section 427, we inserted the word "farmers," the assertion of the sentence would be equally true; and when we consider that in the United States there are 4,000,000 unionized wage earners and 13,800,000 farmers, numerically speaking, it would be more true. We might substitute for the words "industrial wage earners" those which are descriptive of any other class, and it would be true; but if we did, we would be accused of class discrimination and warned that its elevation by treaty covenant instead of securing would inevitably disturb the future peace of the world. Let us not forget that these recitals are a part of the treaty and part of the league covenant. Once ratified they may stand for all time as the solemn recognition by the world of an international class distinction, which can not well be recalled, and which will sooner or later vex the peace of the world.

The basis and justification for Part XIII, as stated in its beginning and at its close, emphasize a fundamental objection to its integrity.

Mr. LA FOLLETTE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Wisconsin?

Mr. THOMAS. I yield.

Mr. LA FOLLETTE. Does not the Senator from Colorado see a relationship between the recitals which he is now criticizing and the beginning of the second paragraph of section 1 of Part XIII? Ought not the two really to be read together? Does not the Senator think that the words in article 427, "Recognizing that the well-being, physical, moral, and intellectual, of industrial wage earners is of supreme international importance," ought to be taken into account and construed with the recital in the first two lines of the second paragraph of section 1 of Part XIII, where it is stated, "And whereas conditions of labor exist"—

Mr. THOMAS. I did read them together, Mr. President.

Mr. LA FOLLETTE. I know the Senator did; but he is directing his criticism particularly against the language of article 427 and has departed from and quite lost sight, apparently, of the recitals in section 1, where it is said, recognizing an existing condition, which I think will not be disputed by the Senator from Colorado:

And whereas conditions of labor exist involving such injustice, hardship, and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperiled.

Therefore, does it not follow logically that a better condition is necessary; that "the well-being, physical, moral, and intellectual, of industrial wage earners is of supreme international importance," taking into account the recitals made in section 1?

Mr. THOMAS. Mr. President, to that suggestion I have two replies. The first is that the better condition can be obtained without a species of international class legislation. Moreover, assuming the truth of these recitals, the structure of Part XIII is such that if put into full operation it will not better but reverse those conditions. The rest of mankind will then more likely be involved in these conditions of injustice, hardship, privation, and so forth, which now are said to imperil the peace of the world because imposed upon labor. The other answer is that the conditions mentioned, while existing in many places in the world, is not peculiar to the wage earner; and I shall contend hereafter that Part XIII is designed for the organized wage earners of the world only and not for the vast body of wage earners outside the pale.

[At this point Mr. THOMAS yielded to Mr. PENROSE, who suggested the absence of a quorum, and the roll was called.]

Mr. THOMAS. Mr. President, whatever the final action of the United States may be with regard to this treaty, whether Part XIII remains a part of it or not, the conditions recited in section 1 of Part XIII, however deplorable in fact, will not be effaced. They may be mitigated; they may be changed; but, in my judgment, they will be accentuated, and in the United States particularly; for it is as true to-day as at the dawn of creation that an equalizing process can only be made effective downward. You may raze the mountain to the plain; you can not elevate the plain to the summit of the Sierras. The surface of the ocean is the standard from which all heights and depths are measured, and the general mass of mankind must always furnish the standard for any leveling process designed to secure equality.

I may say, in passing, that the expressed purpose of Part XIII to produce strict uniformity in conditions of labor throughout the world is impossible and would be grotesque if it were not pathetic. It may be done through years of suffering, of oppression, and of agony, by processes with which Russia has become unhappily familiar, by the decimation of the human race and the return to primitive conditions, but when it is over the level will be that of China and India, not that of the United States.

In his great work upon "Liberty and Democracy," Mr. Lecky has demonstrated with the precision of a problem in Euclid

that democracy and liberty are inconsistent, but that democracy and equality are synonymous. Liberty consists in the right to exercise every power with which a man has been endowed, either by nature or by acquisition, of course in recognition of and limited by the exercise of a similar right in every other citizen. That does not produce equality. It is the antithesis of equality; it is liberty, which does not consist with pure democracy. It is a remarkable fact that in all of the writings, speeches, and public documents of Abraham Lincoln you can not find the word "democracy" except as descriptive of a political party in America.

When Mr. Jefferson founded the Democratic Party, he properly christened it "the Democratic Republican Party"—a democracy governed through a republic, a representative government; and it was that to which Mr. Lincoln devoted his life, and in whose preservation he suffered martyrdom. We may pile treaty upon treaty, and convention upon convention, in the vain task of establishing strict uniformity in labor conditions in the world; but in the end we shall confront the fact that in their practical operation the high standards reached in advanced countries like the United States and Canada must give way to those lower ones more universally prevailing or the end will never be attained.

Moreover, Mr. President, the hard conditions of labor, said to involve injustice, hardship, and privation to wage earners, are just as common to other classes and conditions of men, and particularly in this country; as the Senator from Utah [Mr. SMOOT] suggests, much more common with some of the others.

If Part XIII assumed to separate the great farming class of the world from the rest of mankind, and give them international rights of conditional legislation and power to enforce their covenants, labor would justly complain. Indeed, the effort was made at this congress to include the farming elements of the world in the new dispensation. That was vigorously contended for by the delegates from France and from Italy, but unsuccessfully so. If the manufacturing class were so selected and favored, all other conditions of men would protest. So of any other class except the wage earners. I have been amazed, Mr. President, that this differentiation between millions of human beings from all other human beings in a great State paper, and their endowment with privileges and rights of legislation and of recognition not accorded to all, has passed almost unnoticed in the Senate or by the public, while months have been devoted to the consideration of Part I of the league, although Part XIII is another and an equally essential portion of it.

Mr. GORE. Mr. President, I desire to ask the Senator if he knows what countries objected to this particular recognition of the farmers to which he has just referred?

Mr. THOMAS. I do not remember the report clearly, but my recollection is that the others objected.

Mr. GORE. All of them?

Mr. THOMAS. Yes. I will be glad to furnish the Senator with a copy of that report, if he would like it.

Mr. GORE. I would thank the Senator for it.

Mr. PENROSE. Does the Senator realize that this provision was considered and favorably passed on without a full realization of what it meant?

Mr. THOMAS. Mr. President, I am satisfied that those who drafted Part XIII knew well what it meant.

Mr. PENROSE. I have no doubt that some of the conspirators did.

Mr. THOMAS. But I can not understand its adoption by the congress at Versailles in its present form upon any rational hypothesis.

Mr. PENROSE. The reason why I ask, Mr. President, is that I think it ought to be realized fully by the Senate, for instance, that this provision was indorsed at a meeting at Atlantic City by the American Federation of Labor. Since then several of the heads of different trade-unions have called on me to tell me that the convention did not understand the full effect of this part of the treaty, and repudiated it, asking me to vote against it.

Mr. THOMAS. Yes; I know, Mr. President, that some sections of organized labor have become impressed, and I am glad to know it, with a realizing sense of the dangers involving them in this part of the treaty. The farmers are against it, so far as I have heard from them, and well they should be. The seamen are against it.

Mr. PENROSE. I believe, Mr. President, that if it was understood there would not be a trade-union in the United States that would not repudiate this article.

Mr. THOMAS. Mr. President, I hope to demonstrate before I resume my seat that one or two of these articles are plainly and palpably unconstitutional, and that we can not vote to accept Part XIII consistently with our oaths of office.



Mr. McCUMBER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from North Dakota?

Mr. THOMAS. I yield.

Mr. McCUMBER. The Senator will recall that the Committee on Foreign Relations, in adopting a number of reservations which are to go into and become a part of the treaty, adopted No. 4.

Mr. THOMAS. Yes; I am aware of that.

Mr. McCUMBER. And Part IV very briefly states that—

The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction and declares that all domestic and political questions relating wholly or in part to its internal affairs, including immigration, labor, coastwise traffic, the tariff, commerce, the suppression of traffic in women and children and in opium and other dangerous drugs, and all other domestic questions, are solely within the jurisdiction of the United States and are not under this treaty to be submitted in any way either to arbitration or to the consideration of the council or of the assembly of the league of nations, or any agency thereof, or to the decision or recommendation of any other power.

Mr. THOMAS. I am familiar with that reservation.

Mr. McCUMBER. The only virtue I see in this entire labor provision is its impotency, that it is unworkable; and, conceding that, does not the Senator believe that if this reservation is adopted it will really dispose of the whole matter?

Mr. THOMAS. It will be much better than nothing, Mr. President. I have studied that reservation carefully, and I have prepared and introduced four of my own. But I am not at all satisfied that they go far enough or that they can go sufficiently far to cure many of the objections that I see to it. Nor do I regard this part of the treaty as impotent.

Mr. McCUMBER. Certainly the Senator must agree that everything which pertains to labor is purely a domestic question; and doubly so in this country, where it is domestic as to the Federal authorities and still more so as to the State authorities.

Mr. THOMAS. That is very true.

Mr. McCUMBER. And the question can not be submitted either under our Constitution or, if this is adopted, under this provision to anybody else.

Mr. THOMAS. That is very true, Mr. President. But there is a practical side to this Part XIII which no reservation can reach. I refer to the expense of its administration. I believe I can show to the satisfaction of the Senate, before I am through, that the administration of Part XIII will cost fully as much as the administration of our own Government and require almost as large a staff of officials, servants, and employees as we use in our civil administration. No reservation has reached that feature, and I do not think it can be safeguarded in any other way than in rejecting the proposition in toto. Of course, I shall vote for the reservation, if this part remains in the treaty, and I hope that it will have the effect, in practical operation, that the Senator from North Dakota [Mr. McCUMBER], in whose judgment I have every confidence, hopes for.

Mr. KING. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Utah?

Mr. THOMAS. I yield.

Mr. KING. I heard only a portion of the suggestion of the Senator from North Dakota [Mr. McCUMBER]; but, with the permission of the Senator from Colorado, I wish to make this suggestion: If Part XIII remains, the duty unquestionably would rest upon this Nation to do its part to carry out its terms, to appoint the delegates, and leave somebody to challenge the constitutionality of the action of this Government. Certainly the Senator does not take the position that if we adopt the treaty with Part XIII in we would refrain from doing anything because of the reservation of control over domestic affairs. We would attempt to reconcile a reservation with respect to domestic affairs with some sort of action taken under the treaty, and there would constantly be a conflict between the legislation which we enacted, or the steps which the Government took, and the contention that we were infringing on the Constitution and were violating the terms of the peace treaty because we were committing to this international tribunal matters that were purely domestic.

Mr. McCUMBER. With the permission of the Senator from Colorado, I will call the attention of the Senator from Utah to the next to the last paragraph of article 405, which paragraph makes the decisions of this labor convention advisory only, and especially provides that it shall be construed only in that light. Taking that into consideration, and in connection with a reservation that I believe will be adopted, I can not see that it will have any other influence than a mere advice or suggestion, which, by the terms of the treaty, must be treated by this country only as a suggestion.

Mr. THOMAS. Mr. President, the interchange of ideas between the Senator from Utah and the Senator from North Dakota anticipates one feature of the argument which I have outlined, and which I will reach later.

Let me say, however, that this introductory statement leads us to the proposition that Part XIII creates a supernational composed of a particular class of people in the world and practically confers upon that class the authority to legislate conditionally and enforce its covenants after acceptance by members of the league. In other words, a scheme for the permanent peace of the world is linked with a covenant recognizing and exalting a class common to all the nations, upon the hypothesis that it is essential to that peace. That is what the treaty of Vienna did for autocracy and for the same reason. Where is autocracy to-day?

[At this point Mr. THOMAS yielded the floor for the day.]

Friday, October 31 (legislative day of October 30), 1919.

Mr. THOMAS. Mr. President, the international organization provided by Part XIII is to be framed by its own representatives in its own interest and then made permanent. The executive council and the assembly under Part I of the treaty are composed of representatives chosen by the member nations, and, while there is no limitation upon their tenure of office, it is presumably subject to the control of the appointing power.

In the framework of the organization under Part XIII the general conference is selected by the member nations in the proportion of two representatives of the Governments, one representative of employees, and one representative of employers. These are appointed also without limitation as to time of service, and, like the members of the executive council and the assembly under Part I, they are presumably under the control of the appointing authority. But in their selection there is this difference, that the employer delegate to the conference and the employee delegate to the conference must be chosen in agreement with industrial organizations which are most representative of these two classes of people. These delegates select the members of the governing body by the choice of eight delegates representing the principal manufacturing or industrial nations, the remaining delegates to the conference selecting four others. The remaining twelve are elected by the delegates to the general conference representing employers and employees, respectively, each choosing six representing their respective pursuits.

They hold office for three years and appoint the director who is an executive and administrative official, having the power of appointment and selection of all subordinate officials and employees of the organization.

Now, at first blush, the composition of the general conference would indicate an equality of representation between the members, on the one hand, and two classes upon the other, to wit, the employers and the wage earners. That apportionment was bitterly opposed by some labor organizations and by some of the members of the drafting commission because unfair and unjust to the wage-earner class. It was not, therefore, an arrangement which satisfied all representatives in that body, but the prospect of controlling the member delegates induced its acceptance. In his report to the Versailles conference, Mr. Gompers, referring to this feature of Part XIII, said:

Moreover, it was likely, especially in the future, that the Government delegates would vote more often with the workers than against them. If this were so, it was obviously to the advantage of the latter that the Government should have two votes instead of one, as it would render it easier for them to obtain a two-thirds majority, which under the Franco-American proposal would be practically impossible if the employers voted in a body against them.

This arrangement was accepted then because of the probability that the wage-earning class would be more likely than the employers to secure the cooperation or control of the delegates representing the member nations; and I think that this expectation will be realized, particularly in countries like France, Spain, Italy, and Germany, which latter has just been given representation in the conference, and other nations where the modern political labor movement is either in the ascendant or possesses a predominant influence in political circles.

Hence we may agree with Mr. Gompers that in practical operation the delegates to the general conference will be dominated by the interests subserved by Part XIII, and that they will sooner or later become the distinctive controlling feature of the international labor organization.

We have, therefore, as the official organization of the league of nations, first, an executive council consisting of the principal allied and associated powers and four other members to be chosen as provided by Part I; second, the assembly of the league of nations; and third, a permanent, powerful organization created in the interest of and controlled by a specifically designated section of the people of the world.

This is said to be necessary to a permanent and enduring peace. If so, it can be defended; but I affirm that there can



be no enduring peace in a world whose people are subdivided by a treaty expressly distinguishing and discriminating some of them from the masses of mankind and endowing them with power to legislate in their own behalf.

The fundamental vice of autocracy, of oligarchy, of plutocracy is their domination by certain sections of the people; classes jealous of their own prerogatives and sternly opposed to their extension to others; governments founded upon injustice and inequality, therefore leading inevitably to revolution and insurrection. With the example of the world's history confronting the Versailles congress and with full knowledge of the eternal fact that governmental inequalities between the people produce discord and difficulty, it has deliberately crystallized into the proposed treaty that unfortunate distinction; and the result will be identically that which would have followed if any other class of people had been selected for its bestowal.

There can be no harmony between modern democracy and class distinctions in political life. I care not whether the discrimination falls in one or in another direction; it is the principle which is vicious, and through its operation peace and happiness can not endure.

Mr. HITCHCOCK. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Nebraska?

Mr. THOMAS. I yield.

Mr. HITCHCOCK. The Senator speaks of an organized effort in the interest of the laboring classes as a class distinction. Well, so it may be; but is it not a fact that every civilized government has found it necessary to legislate concerning the laboring classes in its own country? Has it not found that it was necessary to protect them from oppression, to protect them from certain dangers from which they were not able to protect themselves? The Congress has done it, every one of our State legislatures has done it, and I think it has been done in every civilized country, because, from the very nature of those who belong to the laboring classes, they have not been considered in a position to protect themselves. Out of that there has grown quite a distinction between countries as to labor conditions. We have found in this country, for instance, after having eliminated pauper labor, the claim made that pauper labor from other countries was coming into competition with our labor, because of goods imported into this country that cost a great deal less to manufacture than goods manufactured here.

Now, is it not possible for the Senator to see that if labor all over the world could in a measure be equalized, if child labor could be restricted, if the hours of labor could be equalized, that cause of friction between different countries might be eliminated; and would it not be a reasonable thing, if nations are entering into this arrangement for the good of mankind, to have these international conferences for the purpose of equalizing labor all over the world and putting a stop to this inequality of conditions and the disturbance of commerce as a result?

Mr. THOMAS. Mr. President, it is true that in every enlightened modern nation laws have been enacted for the protection of the weak and the unfortunate. They have also been enacted for the welfare of what is generally termed the laboring class. They have also been enacted favoring farmers and manufacturers. It is the duty of every government to protect, by equitable laws, those who can not protect themselves. No man questions the wisdom or the necessity of such legislation. It would also be a consummation of great benefit to humankind if an equality of conditions could be attained as to the wage earner all over the world. Such a situation would be as near an approach to the millennium, provided it eliminated discontent, as any human situation ever can be; but no scheme of man is sufficiently omniscient and powerful to accomplish such a benign result. I discussed that feature of world conditions yesterday somewhat briefly. I then sought to maintain the proposition that inequalities will always exist until some leveling process downward can be secured and acted upon which will prove satisfactory to mankind.

Mr. President, legislation by governments for the welfare and protection of the helpless and dependent should, and probably will, continue to be enacted, whatever the fate of this treaty; and such enactments, I trust, will be all sufficient, as in the United States they have proven more than sufficient, to reduce inequalities and extend protection. The analogy which the Senator suggests, however, does not exist. If in America the people were to establish a tribunal composed of and representing the wage earners, the farmers, or any other distinctive class, endowing them with the power to make their own legislative recommendations, to carry on their own governmental equipment, function governmentally side by side with that of the United States, and possessing the added power to cite the latter before its tribunals upon complaint made against it

regarding its particular legislation, that would furnish some analogy to the edifice which is to be erected upon the foundations of Part XIII.

Now, every man of common sense knows that such an arrangement would prove inoperative. There can be no such thing as a dual government, equal in authority and in jurisdiction, anywhere. One or the other must become supreme, and in the interval between their establishment and the supremacy of the stronger there must be disorder, difference, conflict, and possible bloodshed.

It is not, therefore, the need suggested by the Senator from Nebraska that I am discussing, but the method by which it is proposed, in a world treaty, to accomplish that need; and that method seems to me so irreconcilable with all our notions of government, with all our experiences in the activities of a great democracy, and with every object sought to be subserved by the ratification of this treaty, that I am unable to give my assent to it.

Mr. President, the officials of the international labor office and the general labor conference and I suppose the other high officials of the organization will enjoy diplomatic immunity under article 7 of Part I, which I presume will extend to their households and subordinates. I have no objection to that as a general proposition; but the immediate application of the principle to affairs now existing in Washington furnishes an object lesson of the extent to which it can be carried, because here in the city of Washington are delegates to this first international labor conference from Germany and from Austria, with whom we are technically yet at war, and who last night, by an overwhelming vote, with but one dissenting, were admitted to full membership. They may be, and probably are, entirely free from any other purpose than that of serving their respective countries in this conference; but it is a startling fact that to-day in the city of Washington are these delegates, enjoying diplomatic immunity, from the Governments of Germany and Austria, with the peace treaty yet to be ratified. It is a modern instance of the lion and the lamb lying down together; it may be a precedent which time will demonstrate to be entirely innocuous; but, frankly, it is a sinister situation that to me seems most disturbing.

The disturbing feature is that the first conference under Part XIII, called in Washington before the treaty has been ratified, wholly disregards the conditions of membership imposed on the delegations of that organization by the express terms of Part XIII. These delegates must be confined to the members of the league, each being entitled to four, with their advisers. There is no thought of admitting Germany or Austria to the league in the immediate future, unless the announcements made heretofore by the Versailles conference are unimportant and meaningless. But these countries have had no difficulty whatever, treaty or no treaty, in identifying themselves with an international body to be established by it, although it prescribes the qualifications of delegates to that body to which they can not possibly conform. Mr. President, the labor conference now in session is not entirely responsible for this sudden, summary admission of delegates from enemy countries to its membership.

They are merely acting upon the recommendation of the Versailles conference, whose president and spokesman is Premier Clemenceau. On the 22d day of last May Count Brockdorff-Rantzau, in the name of the German delegation, sent a communication to the Congress protesting against the framework of Part XIII. I shall have occasion to refer to that hereafter. On the 31st of May Premier Clemenceau replied to that letter, and answering one of the objections said:

4. The allied and associated Governments have already decided to accept the idea of early admission of German representatives and to ask the Washington conference to admit them immediately thereafter to full membership and rights in respect to the industrial labor organization and the governing body attached thereto.

We have had recommended to us for ratification the framework of a treaty, supposedly the official product and the complete official product of the treaty-making powers at Versailles, which creates a body known as the general labor conference, which limits delegations to it and prescribes their qualifications. But a month and a half before it reached us that identical congress officially recommended the disregard of these qualifications by accepting representatives from countries which are not and for a long time can not become members of the league. I am unable, Mr. President, to reconcile this advice—and it is very difficult to comprehend to whom the advice was given, as there was no organization to receive it—with the express terms of a national compact, and particularly when that advice recommends the inclusion in the conference of the delegates of the two powers with which we are still at war. Here is an inconsistency which requires a higher intellect than mine to reconcile.

The press also announces that this conference, now in session, or some delegate to it, has recommended the inclusion of dele-



gates from Mexico. Why not? Mexico, a disorganized country, is at least a friendly country, politically speaking. Her delegation should be more welcome than those of Germany and Austria; and if Mexico, why not every other nation on the earth, whether they be invited to membership in the league of nations or not?

Mr. TOWNSEND. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Michigan?

Mr. THOMAS. I yield.

Mr. TOWNSEND. Does the Senator understand that the conference which is now being held here in Washington, to which the Senator refers, is called and held by virtue of the provisions of the league covenant?

Mr. THOMAS. Yes; ostensibly so.

Mr. TOWNSEND. Who called it?

Mr. THOMAS. It is fixed by the recitals of Part XIII.

Some time ago the Department of Labor, through the President, called the attention of Congress to the probable convening of this body before final action was taken by the Senate upon the treaty, and requested special authority to invite these delegations here notwithstanding, and that authority was given.

Mr. BRANDEGEE. Mr. President, I will state to the Senator that the annex provides, under article 426, that—

The Government of the United States of America is requested to convene the conference.

Mr. THOMAS. Of course; but the manner of its convening was, as I have said, by this resolution of the Congress conferring special authority in advance of final action upon the treaty. I am not prepared to say that the invitation was extended to Germany and to Austria, although it must have been, else their delegations would not have been selected and admitted. We do not know how they were selected. There may be two members representing the Government, one representing the employer class and one the wage earners.

Mr. MOSES. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from New Hampshire?

Mr. THOMAS. In just a moment. On the other hand, they may have been selected upon some other basis, which, under the circumstances, would be quite as lawful as though the provisions of the treaty had been complied with. Now, I yield to the Senator from New Hampshire.

Mr. MOSES. The Senator must be aware of the fact that it is easy to make inquiry as to whether invitations were sent out by this Government to the Governments of Austria and Germany to send official representatives from those countries to this conference.

Mr. THOMAS. Undoubtedly; but the outstanding fact is that they are here, that they have been admitted, and that they have all the qualifications and powers of delegates to that conference that will be bestowed upon member nations when this treaty is ratified.

Mr. McCUMBER. Mr. President—

Mr. THOMAS. I yield to the Senator.

Mr. McCUMBER. Does the Senator see either any inconsistency or any impropriety, considering the purposes of Part XIII, in inviting the German and Austrian delegates to participate?

Mr. THOMAS. Yes; I do.

Mr. McCUMBER. The purpose of Part XIII, as I read it, is to equalize labor and labor conditions throughout the world, and inasmuch as the second object, which might be included under the second proposition, is to reduce the number of working hours throughout the world, and thereby reduce the output of labor, would it not be quite proper that they should hold Germany and Austria to the same conditions of six or eight hours, in order that the other nations of the world might be able to compete in their products? Is not that one of the purposes? I do not agree with their purposes at all, but is not that the purpose of Part XIII?

Mr. THOMAS. Mr. President, at present I am not concerned with the purpose but with the abrogation of an important article of the treaty. I will refer later, before I take my seat, to some of the articles which comprehend a part of the purpose. But I contend there is no reason which would exclude Germany and Austria from membership in Part I of the league of nations that does not exclude them from membership in Part XIII. They should either be excluded entirely or they should be required to come in and enjoy all of the privileges and assume all of the responsibilities of the league as a whole. We must not forget that the two together comprise the league of nations; not one of them, but both. It becomes a complete entity only by the functioning of the executive council, the secretariat, the assembly, the general labor conference, the governing body, and the director. To admit our enemies to participate in two of these bodies and exclude them from the other two is

a self-evident contradiction, and that regardless of the purpose to be subserved by the respective branches of this quadrilateral creation.

Mr. KING. Mr. President, will the Senator yield?

Mr. THOMAS. Certainly.

Mr. KING. I think the Senator ought to suggest at this point that if these delegates possess such unlimited power as that now, in defiance of the terms of the treaty, and admit persons to participation who have no right under the treaty, it is a prophecy of what this organization may grow into in the future. It may seek the assumption of governmental powers far beyond that which is contemplated by the terms of the treaty, and it may admit members ad infinitum from various Governments of the world and various organizations until it may become a veritable imperium in imperio.

Mr. THOMAS. I shall refer to that later on, Mr. President.

Mr. KING. I want to suggest, if the Senator will pardon me, one thought in connection with the suggestion of the Senator from North Dakota [Mr. McCUMBER]. If this provision of the treaty contemplates the diminution of production or the reduction of production, it ought to be a very strong argument against the adoption of this portion of the treaty.

Mr. McCUMBER. If the Senator from Colorado will allow me, does the Senator from Utah doubt for a moment that that is one of its purposes? Does the Senator doubt for a moment that one of its purposes is to decrease the hours of labor throughout the great manufacturing world and thereby decrease labor's output?

Mr. KING. Probably that is the thought in the minds of some who are proponents of the plan; yet I can not conceive that the representatives of labor would be desirous of committing suicide and of working irreparable damage and injury to the entire world.

Mr. THOMAS. In this connection, Mr. President, it may be well to read into the Record article 387, which is the first article of chapter 1, and which provides for the permanent organization of this international labor body. It recites that—

The original members of the league of nations shall be the original members of this organization, and hereafter membership of the league of nations shall carry with it membership of the said organization.

Of course, the converse of the proposition is equally obvious; There can be no representation without such membership.

Mr. President, I have very hastily and imperfectly sketched some of the consequences which may flow from the inclusion in this conference of the delegates from these enemy countries. The action of the conference, though ultra vires, seems to have the sanction of the Versailles conference.

Mr. MOSES. Mr. President—

The PRESIDING OFFICER (Mr. Jones of Washington in the chair). Does the Senator from Colorado yield to the Senator from New Hampshire?

Mr. THOMAS. I will in just a moment, if the Senator will pardon me.

The members from Germany may hold the balance of power in the conference and so determine its action. The United States has no representation in that conference, because it has not yet ratified the treaty; hence the inclusion in the conference of these outside delegations is done by those who have been commissioned to that conference from other nations, and they, therefore, have a greater authority and voting power, relatively speaking, than would otherwise be the case. Germany, though excluded from the first 26 articles of the treaty, may nevertheless enjoy the prerogatives of one of those articles and of the 41 articles of Part XIII, and Germany may, also, be one of the members of chief industrial importance from whose delegation one member of the governing body may be selected. I now yield to the Senator from New Hampshire.

Mr. MOSES. Mr. President, I wish to ask the Senator if he intends, before concluding his comments upon this part of the treaty, to advert once more to the suggestion of the Senator from North Dakota [Mr. McCUMBER] that the underlying and fundamental purpose of Part XIII is to bring about a general, universal, and uniform reduction in the hours of labor, with its consequent effect upon productivity, and if that be the case may I indicate to the Senator another of the purposes of the treaty, inasmuch as the great powers of the reparations commission will be directed toward the speeding up of German productivity in order that Germany may be able to meet the extraordinary demands which have been laid upon her under the terms of the powers granted to the reparations commission?

Mr. THOMAS. I can not enter into the discussion of that phase of Part XIII at this time, although its importance is obvious.



In the speech which I delivered upon this subject on August 22, I attempted to analyze a number of the articles composing Part XIII. I shall not repeat that analysis, but rather attempt to supplement it by considering certain other articles which were then barely referred to and which I have since had occasion to examine at greater length.

I come to a consideration, therefore, of certain specific articles in this part of the treaty, because they illustrate, as nothing else can, the character of the proposed organization and the consequences, financial and otherwise, to the United States when they become practically operative.

Article 399 may be called the financial portion of Part XIII. I will read it:

Each of the members will pay the traveling and subsistence expenses of its delegates and their advisers and of its representatives attending the meetings of the conference or governing body, as the case may be.

All the other expenses of the international labor office and of the meetings of the conference or governing body shall be paid to the director by the secretary general of the league of nations out of the general funds of the league.

All the other expenses shall be paid to the director general by the secretary general of the league of nations out of the general funds of the league, and, of course, all funds must be furnished by the members of the league, doubtless in proportion to their resources. If that be so, the contribution of the United States to this fund will necessarily exceed, and very largely exceed, that of any other nation and perhaps of all the smaller nations combined.

It is well to consider what the expense of the assumption of any new enterprise may be, whether that enterprise be personal or national. There are many things which men would like to do and many duties which nations would like to assume, but which are not undertaken because of the enormous burden of expenditure essential to their accomplishment. I said yesterday, and I repeat, that once this international labor office is established under the treaty and equips itself for the performance of the activities which are imposed upon it, the employees essential to the accomplishment of the task and the expense attending its administration will parallel, if they do not exceed, the actual expenditures of the Government of the United States, exclusive of extraordinary expenditures entailed upon us by the war.

I now turn, in elaboration of that assertion, to article 394, which provides for a director of the international labor office, to be appointed by the governing body, subject to the instructions of that body, responsible for the efficient conduct of the office, "and for such other duties as may be assigned to him." That reads like the general-welfare clause of the Constitution.

Article 395 provides that—

The staff of the international labor office shall be appointed by the director, who shall, so far as is possible with due regard to the efficiency of the work of the office, select persons of different nationalities. A certain number of these persons shall be women.

The director, then, has the supreme appointing power, with no limitations of civil service, which may prove to be a blessing. His authority is absolute, limited only to the recognition of nationalities and of sex.

We can well imagine, from our experiences here, the influences that will be brought to bear upon this director, whoever he may be, to appoint everybody who wants to work for the international organization. I have already received a number of applications for indorsement of gentlemen who genuinely thirst for an opportunity to display their abilities under this new organization, and I have no doubt that as soon as the treaty is ratified these applications will come in, not by the hundreds but by the hundreds of thousands. What is true of the United States is true also of the world, for there are just as many people, relatively speaking, in Japan, Great Britain, France, Greece, Spain, and Belgium perhaps needing employment of this sort whose merits and whose influence will be brought to the attention of the director.

Let us see how many he may need, although, like other appointing powers, he may not strictly confine himself to the necessities of the situation. Article 396 provides that—

The functions of the international labor office shall include the collection and distribution of information on all subjects relating to the international adjustment of conditions of industrial life and labor—

That is a pretty big program—

And particularly the examination of subjects which it is proposed to bring before the conference, with a view to the conclusion of international conventions, and the conduct of such special investigations as may be ordered by the conference.

The proper collection and distribution of information upon all subjects relating to the international adjustment of conditions of industrial life and labor necessarily means its collection and distribution throughout the world. Inasmuch as we are now admitting enemy countries to this organization that assertion must be taken literally.

I have made a tabulation of the populations of those countries which participated in the making of this treaty, exclusive of Germany and her recent allies. They aggregated 1,210,007,605 people, to which must now be added the populations of Germany and Austria, making in round numbers 1,300,000,000 of people from whom these statistics and information must be collected and to whom they must be distributed—1,300,000,000 of people, covering an area of 31,330,414 square miles, including populations speaking more than 16 different tongues. The mathematical problem presenting itself here for solution is, given this task, how many people are essential to its performance and how much material? My prediction is that employees essential to the performance of this task will aggregate at least 1,000,000, and inasmuch as their activities are world-wide they must travel over the face of the globe; certainly all agents must familiarize themselves with these conditions throughout the territory of their own nation; the material acquired must then be sent to Geneva and there published and circulated.

Mr. NEW. Under frank.

Mr. THOMAS. I have no doubt that the franking privilege will be invoked, but whether it is or not we must bear the expense. The mails will be burdened constantly, overburdened most of the time, with thousands upon thousands of tons of so-called industrial literature, which not one man or woman in 10,000 will read and which not one man out of a thousand in most of the countries constituting the membership can read. To this vast army of agents obtaining and distributing this literature must be added those needed to print and bind it in appropriate form for mailing. Then the housing problem, somewhat acute here some months ago, but by no means so acute as it will be in Geneva, immediately presents itself. Where can shelter be found for this new industrial army of tax eaters? The commonest principles of humanity will demand that if they can not be found they must be furnished. And where can storage places be discovered for the constantly accumulating masses of documentary information? They are not in Geneva. Hence they must be built, and we will be required to supply the needed funds.

We must remember that international building should be appropriate to the dignity of this great supernational. The building program necessary to house the activities of this branch of the league will dwarf the building programs in the desolated parts of France and Belgium, not in magnitude or area but in prodigality of expenditure; and if the buildings are constructed on the plan of the six-hour day, five days in the week, and time and a half for overtime, an added increase in expense must be provided for.

But I have not finished reading the duties of this international labor conference. The article proceeds:

It will carry out the duties required of it by the provisions of this part of the present treaty in connection with international disputes.

These international disputes, Mr. President, will be countless as the sands of the sea once this treaty is ratified. Be it remembered that under Part XIII any organization of wage earners, I care not how small or how remote, is given authority to complain that any member nation is not effectuating or observing its covenants, including those which may be subsequently adopted, whereupon the nation complained of is required to make answer at Geneva. If the horseshoers' union in Melbourne, Australia, feels that the United States Government has been derelict in its observance of one of these covenants it may cable or otherwise communicate its grievance to the governing body, upon which the United States will be respectfully asked to show cause why the complaint of the horseshoers' union should not be affirmatively considered.

When we contemplate that what is true of the instance suggested is true universally, and that complaints against the enforcement of the law, many of them doubtless well founded, are one of the common conditions of our domestic industrial life, and when we further consider that any member of the conference, as well as the governing body itself, may also summon nations to the bar for similar reasons, we may be sure of a constant procession of complaints, notices, and trials, each crowding the heels of the other, thus creating an activity of investigation irritating in the extreme and expensive to the last degree.

Mr. LODGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Massachusetts?

Mr. THOMAS. I yield.

Mr. LODGE. As I understand the Senator from Colorado, my analysis of the provisions, such as I have been able to give, led to the same conclusion—that is, that any labor union anywhere can bring the United States or any other country to the bar of this international conference.



Mr. THOMAS. That is a fact. That power is given it by article 409 of Part XIII. But this labor office must also—

Edit and publish in French and English, and in such other languages as the governing body may think desirable, a periodical paper dealing with problems of industry and employment of international interest.

"A periodical paper" may include a paper issued every year, every month, every week, every day, or every hour. It is safe to say that such a periodical, "dealing with problems of industry and employment of international interest," will be produced in rapid succession, weekly if not daily. To print it in French and English is provided expressly, but discretion is given to print also "in such other languages as the governing body may think desirable."

I have called attention to the fact that there are 16 or 17 languages involved in the membership of this proposed league, and certainly those who can not speak English or French will not be satisfied until this periodical is translated and printed in their own language. There is no question, therefore, that it will accommodate itself to the linguistic necessities of all the members of the league; and its circulation among thirteen hundred million of people—and I have no doubt it will be fully circulated—gives added and eloquent suggestions of expenditures of the first magnitude.

We must in this connection also visualize the magnitude of the printing or publishing department of this league. It costs us \$8,000,000 a year to run the little Government printing establishment here; what will it cost to publish a periodical in 17 different languages and to be circulated among thirteen hundred millions of people? We shall have to establish a printing house of rather formidable dimensions and employ a printing force almost equal to the population of Switzerland, and quadruple the world's postal capacity to accommodate this periodical. If it is necessary to permanent peace, let us have it; but if it is not, let us not commit ourselves to it without fully comprehending the financial burden this international labor office will impose upon the already overburdened taxpayers of the world. I warn my countrymen that this new obligation will take billions from their pockets with no compensating advantage.

There is another feature of this proposed publication which I desire to impress upon the Senate. The contributing nations will have nothing to do with dictating or controlling the substance of its contents. It may publish the wildest and most anarchistic doctrines ever penned by man; it may advocate extremes of revolution; it may adopt and disseminate the doctrines of I. W. Wism over the world, while those who pay the bill have nothing to say, either as to what shall be printed or where it shall be sent. I can conceive of no more formidable scheme for subjecting the rights and the property of the world to the propagation of any doctrine or any proposition, however irresponsible its authors or however dangerous its character.

Mr. President, I have made no estimate of the aggregate cost involved in the administration of this international labor office, but I have no hesitation in again affirming that the cost will equal, if not exceed, the annual expenditures of the Government of the United States, and most of it must come from the pockets of our people, since we can better respond to such a demand than any other nation, and that will be one of our obligations under the league. Unless I can be convinced that this enterprise is absolutely essential to the welfare of all mankind, I can not accept it. Its expense is prohibitory, its usefulness may well be challenged, and its potentiality for disturbing instead of promoting the peace of the world is almost unbounded.

Mr. President, there is another feature of article 396 to which I will briefly refer. The concluding sentence is:

Generally, in addition to the functions set out in this article, it shall have such other powers and duties as may be assigned to it by the conference.

That is as broad as language can be—"in addition to the functions set out in this article it shall have such other powers and duties as may be assigned to it by the conference." The conference, in other words, is thus endowed with authority to assign such powers and impose such duties upon the international labor office as it may deem necessary or desirable. It may be said that there is a limitation—a constitutional limitation, if you please—existing in some countries which would necessarily restrict the exercise of this authority; but I do not believe that the international conference will be very keen to observe such limitations if they should conflict with any determined purpose of its own or with any object which, in the opinion of a majority—and it will require but a majority to act under the section, as I shall show—should be tested; I do not believe their compunctions would be so great as to restrict or limit their action; and we may be sure that any power or duty which the conference assumes to place upon the international labor office will be accepted by that office and the power will be exercised or the duty will be performed, as the case may

be, since nations challenging the power or the duty may be haled before the commission of inquiry by any industrial authority which may be interested in the problem and impatient of objections to its attempted solution. No more comprehensive grant of authority can be found in the charters and constitutions of all time. Its abuse is as sure as the procession of the seasons. The most conservative body clothed with such authority would in time wield it to the undoing of some one. The most radical of all bodies, as these conferences will surely become, will eagerly welcome the opportunity to reform the world by a fanatic and unbridled exercise of every scheme appealing to their sense of social justice.

Mr. President, I have said that this power can be conferred upon the governing body by a majority of the conference. I am aware that it is provided that no recommendation shall be adopted by the conference unless it shall receive a two-thirds vote. But I find in article 403 this very simple but very startling provision:

The conference shall regulate its own procedure, shall elect its own president, and may appoint committees to consider and report on any matter.

Except as otherwise expressly provided in this part of the present treaty, all matters shall be decided by a simple majority of the votes cast by the delegates present.

The voting is void unless the total number of votes cast is equal to half the number of the delegates attending the conference.

Unless my memory betrays me, the requirement of a two-thirds vote is confined to the consideration of items in the agenda. As to all other matters, then, a majority vote of the delegates present, provided 50 per cent of them shall be present, is sufficient to carry any measure. We may, therefore, have imposed upon this international labor office by one or two votes in excess of 25 per cent of the total number additional powers and duties the character of which we can not foresee, the consequences of which we can not anticipate, the expense of the administration of which we can not forecast, but which may be of vast importance to all mankind and may seriously affect the peace of the world.

Mr. President, it seems incredible that these provisions should have been deliberately accepted and crystallized into the structure of the treaty by a body of statesmen supposedly representing the intellect and the experience of all civilized nations, and I can not account for it except upon the theory that the pressure of labor unrest and the threat of social and political disturbance was so imminent in Europe that the congress yielded to the situation, abandoned the exercise of their judgment, and trusted to fate for a peaceful result. We are in no such situation thus far, and it is my earnest prayer that this Nation will never be awed into the enactment of legislation which does not conform to the measured judgment and demand of duty upon those in authority.

I come now to a brief consideration of article 423. If I can distinguish the greater importance of one of these articles from the others, I would select this article:

Any question or dispute—

Any question or dispute!—

relating to the interpretation of this part of the present treaty or of any subsequent convention concluded by the members in pursuance of the provisions of this part of the present treaty shall be referred for decision to the permanent court of international justice.

Every question, every challenge to the justice, the legality, or the constitutionality of any part of this part of the treaty or of any subsequent convention concluded by the members in pursuance thereof is to be subject to the jurisdiction of an international tribunal not yet created and from which there can be no appeal!

Mr. President, this article, if ratified, constitutes an unconditional surrender of the judicial functions of the Government of the United States to an international tribunal. It substitutes that tribunal for our own Supreme Court, as to Part XIII of the treaty, clothing it with authority to determine ultimately and finally every question and every dispute which may confront us in the future, as this part shall function once it has been ratified. Do you tell me that the Supreme Court of the United States has repeatedly decided that we can not enact a treaty in contravention of our Constitution, and that, if we do, the treaty, to the extent that it so conflicts with the organic act, is void? Of course, it could reach no other decision, for we have no more right in the exercise of the treaty power in the Senate to disregard the limitations of the Constitution of the United States than we have to disregard them in the consideration of bills presented for enactment into law. Would the Supreme Court assert its authority regardless of this provision of the treaty? Certainly, and successfully; but, Mr. President, with the organized power of the international labor unions behind them, with the great and irresistible in-



fluence which such bodies even now wield, with competing and interested nations behind them, with their powers of strike and boycott, who can say what might result from a conflict of authority such as I have suggested? We may be sure the international tribunal will assert its jurisdiction once it has been created and that it will be sustained by the truculent influence of the international labor office; hence the collision with this country becomes inevitable.

In the end we might triumph. In the end we would triumph, if the Nation is to survive; but in the interval the difficulties, the turmoils, the anxieties, the apprehensions, the strife, which must ensue from such collision of authority, can well be imagined.

The Senator from Wisconsin [Mr. LA FOLLETTE] only three days ago emphasized the unconstitutionality of section 423. I indorse every word that he said upon the subject, and I am unable to understand those mental processes which can reconcile an affirmative vote for that article in Part XIII with an oath to support the Constitution of the United States. If we had the power to do it we should not, for it is an obvious truth that we can not afford under any circumstances to permit any other than our own tribunals to entertain and dispose of any question which may arise to disturb the even tenor of governmental authority.

I think those who have given me their attention will, if they accept my position even in part, agree that Part XIII goes far beyond Part I or any other treaty in history in what it proposes to effectuate and justifies my contention that the treaty, if ratified, erects under the provisions of Part XIII a supernational endowed with limited legislative, executive, and judicial authority to be exercised for the benefit of a small part of mankind, and necessarily superseding, to the extent that it operates, the sovereignty of those powers which ratify and accept the document.

There is another feature of this supernational thus created which I wish to briefly emphasize. It is this, that no responsibilities or obligations whatever are imposed upon the international labor organization by the provisions of Part XIII. It is given enormous powers but without limitations. That is not true of any country in the world which professes allegiance to established governmental authority. It is axiomatic that power must be attended by responsibility. One of the great difficulties in the present industrial situation lies in the fact that these huge associations of men have acquired and they wield great power with no corresponding responsibility. We have exempted them from it, as far as we can, by legislation and encouraged as far as we could their repudiation of it.

They are not required to incorporate; they are not collectively or individually responsible. Collectively they are politically too powerful to be interfered with. The German Government which perished with the war was a government possessing large powers with comparatively few responsibilities. The distinction between those governments which function for the protection of life and property, and for the securing of happiness to mankind, and those which represent a privileged class, in the last analysis consists of the lack of equilibrium between power and obligation.

The labor conference may disregard the limitations of the treaty; they may propose, and some nations, regardless of others, may accept, covenants which in their operation may be extremely injurious. But whatever injury may flow from them, whatever oppression may result in consequence of them, whatever political, social, or economic disturbances may accompany them, there is no remedy against the authors of the mischief. These tribunals sit supreme and immune from the limitations of human responsibility, and because of that very fact, as all experience demonstrates, will seek to increase at all times and to extend every prerogative which may be invoked from the terms of this treaty.

Notwithstanding this, Mr. President, the so-called provisions of the treaty are criticized by a great many representatives of organized industry because too conservative and too restrictive. They demand the power of independent legislation and, as far as the body framing Part XIII could do so, they have been promised it.

In this connection let me refer for a moment to an article published in the CONGRESSIONAL RECORD of October 17, entitled "Part XIII, Labor, Treaty of Peace with Germany," from which I read this extract:

In July of this year there met at Amsterdam delegates representing the trade-union movements of the various European nations and the United States with the purpose to reorganize the International Trade Union Congress, and this purpose was effected. On nomination by Mr. Gompers, president of the American Federation of Labor, Mr. W. A. Appleton, secretary of the Confederation of British Trade Unions, was elected president of the International Trade Union Congress, succeeding Carl Legien, of Germany, who was president of the congress

at the time of the outbreak of the World War. According to a historical survey of the proceedings of the Amsterdam meeting published in the Democrat, of London, edited by Mr. Appleton, directly after the adjournment of the International Trade Union Congress convention the delegates reassembled into an international socialist convention, in which all countries were represented by the same delegates they were represented by in the International Trade Union Congress, with the exception of the United States and its delegates. According to the same article or survey, the Amsterdam International Trade Union Congress adopted a resolution, binding upon all members, which set the objective in the international labor conferences to be held under the auspices of the league of nations to be the program of the international trade-union conference that was held early in 1919 at Berne, Switzerland. In this connection it is interesting to note that the American labor movement was not represented at the Berne conference. It is also just as interesting to note further that the international trade-union conference at Berne of 1919 declared that an international parliament of labor should be set up by the league of nations with power and authority to issue not only international conventions with the binding force of law behind them but also international laws which, immediately upon adoption, should have the same force legally as national laws in all nations.

That is to say, Mr. President, that the International Trade Union Congress which met at Amsterdam immediately upon adjournment resolved itself into an international socialist convention, the latter composed of precisely the same delegates, with the exception of those from the United States, and then adopted the program of the international labor union at Berne in June previous, wherein the right of independent and effective legislation by this international body was insisted upon.

On the 22d of May Count Brockdorff-Rantzau, head of the German delegation at Paris, and in the name of that delegation, addressed a letter to President Clemenceau upon this subject, protesting against the provisions of Part XIII because they disregarded the demands of the international conference at Berne, and also because delegates from all nations, whether belonging to the league or not, were excluded from participation in the conference. President Clemenceau, in replying to that letter upon the 31st, among other things, said, referring to the labor commission which drafted Part XIII:

It also adopted a resolution in favor of the organization—

That is, the international organization under Part XIII—

being given power as soon as possible to pass resolutions possessing the force of international law. International labor laws can not at present be made operative merely by resolutions passed at conferences. The workers of one country are not prepared to be bound in all matters by laws imposed on them by representatives of other countries; international conferences, as provided for under the peace treaty, are therefore at present more effective than international labor laws, for the infringement of which no penal sanctions can be applied.

Mr. Clemenceau attached to his letter a copy of the resolution which this commission seems to have unanimously passed. I read it:

The commission expresses the hope that as soon as it may be possible an agreement will be arrived at between the high contracting parties, with a view to endowing the international labor conference, under the auspices of the league of nations, with power to make, under conditions to be determined, resolutions possessing the force of international law.

That resolution seems to have received the sanction of Clemenceau, speaking as the official head of the conference at Versailles. Does anybody doubt, Mr. President, that the next move to be made, and which will unquestionably be recognized and validated by a number of the members of the league of nations, will be the adoption of a convention clothing the international labor conference with powers of independent international legislation, if this treaty ever becomes an accomplished fact?

I have here an extract from a communication to the New York Times from the pen of Mr. William English Walling, a gentleman who was present at the sessions of the Berne conference, in which he gives an account of the purposes of the Labor Union International, as it is called; that is, the body which was represented at Berne. He says:

The Labor Union International does not intend to lose time or opportunity. It has decided also to call a conference—which will probably be a regular congress of the entire world-wide organization, representing 17,000,000 organized wage earners. The possible effect of this meeting on the labor-union situation in America, England, and other countries, and even upon world politics, scarcely needs to be insisted upon.

We can easily get a general idea of the position of this organization from the congress at which it was organized a little more than two months ago—a congress at which I was present and where I had every facility for becoming acquainted with the leading delegates.

#### ULTIMATUM TO LEAGUE OF NATIONS.

The chief action of this congress was an ultimatum to the league of nations, against which the American and British delegates alone protested. This ultimatum declared that the federation would endeavor to prevent the labor organizations of any nation from attending the league of nations labor conference unless two conditions were fulfilled:

- (1) All nations must be invited; and
- (2) The regular labor organizations affiliated with the international federation must be recognized in every instance as the representatives of the employees.

It is clear, Mr. President, that that part of organized labor for which the international federation assumes to speak will,

if it has its way, be the only part of all the labor of the world permitted to participate in and which proposes to control the proceedings of the conference.

We have, then, a determination, first, to extend the activities of the conference so as to embrace all nations, whether members of the league or not. Second, that unorganized labor need not apply for recognition, nor organized labor, either, unless it submits to the domination of the labor union international. Thirdly, that the organization is to be officially accepted by the league as international spokesman for labor under the covenant; and, lastly, that independent power of international legislation shall be conferred upon the proposed international labor conference.

We are progressing indeed, Mr. President. This Part XIII, christened by the President as the magna charta of labor, is to be endowed with powers of international legislation having universal effect without regard to the conditions and to the sovereignties of the member nations, and it is to be organized and administered in the interest of a close organization of men assuming to be the exponents and the dictators of labor's destiny throughout the world.

Mr. President, think for a moment of the startling fact that only the representatives of Great Britain and of the United States opposed that program in the first instance. Contemplate the additional fact that Germany has been taken into this conference, which represents the ideas outlined by Count Brockdorff-Rantzau on May 22 in his letter to Clemenceau.

Then tell me whether it is extravagant to predict that these separate steps for the establishment of a wage-earning oligarchy will not be taken, and taken in the immediate future.

Mr. President, I must express my admiration for the ingenuity, the ability, the consummate business-like statesmanship displayed by organized labor from the inception of the league of nations idea down to the present time. They have had a program; they have known what they wanted; and they have used their power, their influence, and their ability for the accomplishment of that object. They have never lost sight of it. The permanent peace of the world is wholly subordinate to their ultimate purpose, to dominate mankind though it inevitably means a return to despotism, a despotism without responsibility, a despotism bound to function as all despotisms of the past have functioned, a despotism in the atmosphere of which republican institutions can not survive, a despotism inevitably operating as similar governments have operated in all the history of the past.

It is significant in this connection to reflect upon the fact that this international congress, synchronizing with the meeting of the international conference, and called to meet at Washington, is also now in session. That is not a mere coincidence; it could not be. It is designed to enforce the mandates so clearly outlined by Mr. Walling in the article to which I have referred, and I think it is safe to say that this congress will continue to synchronize with the meetings of the conference until the latter is absorbed or becomes the supine instrument of this labor union international which proposes—let me emphasize that again—to restrict the benefits of this new legislative authority to the members of the international federation only.

The greater part of labor in the world is unorganized. The greater part of it never can be efficiently organized. Under the program of this labor-union international are already created the rudiments of an industrial aristocracy, exclusive as all aristocracies are, but in this instance operating in each direction. Above it rejects all consideration for any other than its own membership. Below it rejects all consideration for any other than its own membership, that it may force into its membership every man and woman in the wide world who, by any extreme of definition, can be called a wage earner, and, of course, the situation will force, as similar situations have always forced, an enormous increase of membership, not from choice but from a necessity as inexorable as fate.

Mr. President, I shall not longer detain the Senate upon this all-important subject. I do not pretend to have covered all the ground. I could not do that if I should exhaust the remainder of the week in its consideration. But I hope that I have, although imperfectly, focussed the attention of the Senate to Part XIII, so comprehensive in its character and so important in its consequences, and I am sure it will give to this part of the treaty a consideration which up to this time it has not received.

I wish I could consider Part XIII as labor's magna charta. I wish I could find something in it to justify the casting of my vote for its acceptance. My judgment is not perfect, my view of public questions by no means so; but through all my life, both public and private, I have tried to stand for the man who needs assistance. I have tried to oppose wrongdoing and improper legislation without regard to the sources or the benefi-

ciaries of the evil. I believe that every man should be made to comply with the requirements of the laws and Constitution of his country.

I am confident that the troubles now confronting us are largely the result of privilege hitherto bestowed by Federal and State governments with a lavish hand, creating inequalities of wealth and power, generating suspicions of the integrity of the Government and of its officers. Their evil results now threaten to overtake us. We must rectify, as far as we can, the evils of class legislation and avoid such serious errors in the future.

I want genuine labor to receive all that it needs for its protection and prosperity. I want all classes and conditions of men to stand equally before the law. I trust, whatever betides America, she may safely outride every stormy sea and vindicate her right to live by her attachment to law, order, the protection of the individual, the vindication of his rights, and the performance of his obligations. No such results can flow from the provisions of Part XIII of this treaty. It is not a magna charta of labor. It is a sentence of death to free institutions, a covenant of national suicide, an abandonment of our most cherished traditions.

Mr. LA FOLLETTE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CURTIS in the chair). The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Harrison	McLean	Smith, Ariz.
Brandeggee	Henderson	McNary	Smith, Ga.
Capper	Hitchcock	Moses	Smith, Md.
Chamberlain	Johnson, S. Dak.	Myers	Smoot
Colt	Jones, N. Mex.	Nelson	Spencer
Cummins	Kellogg	New	Sutherland
Curtis	Kendrick	Newberry	Thomas
Dial	Kenyon	Norris	Townsend
Dillingham	Keyes	Nugent	Trammell
Fall	King	Owen	Wadsworth
France	Kirby	Page	Walsh, Mass.
Gay	Knox	Penrose	Williams
Gerry	La Follette	Phelan	Wolcott
Gronna	Lenroot	Phipps	
Hale	Lodge	Pomerene	
Harris	McKellar	Sheppard	

The PRESIDENT pro tempore. Sixty-one Senators have answered to their names. There is a quorum present.

Mr. BORAH. Mr. President, I desire to offer two reservations, which I ask to have read, printed, and lie on the table for future use.

There being no objection, the proposed reservations were read, ordered to lie on the table, and be printed, as follows:

The United States assumes no obligation to preserve the territorial integrity or political independence of any other country or to interfere in controversies between nations—whether members of the league or not—under the provisions of article 10, or to employ the military or naval forces of the United States under any article of the treaty for any purpose.

The United States withholds its assent to article 147 and reserves full liberty of action with respect to any matter or controversy which may arise under said article relative to the protectorate proclaimed over Egypt by Great Britain on December 18, 1914.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. SMITH of Georgia. Mr. President, there are many provisions of Part XIII of which I do not approve. I will mention one which would be a serious objection to it. It provides for the circulation of literature without limit at the expense of the Governments members of the league. The preparation and distribution of this literature will be in charge of a commission of five, and certainly not more than one, if any, from the United States will be a party to its control. I would view with a great deal of distrust the character of literature which the labor leaders of Germany would prepare for distribution throughout the United States. I am unwilling through my vote to pledge my Government to bear the expense of distributing free the character of matter which I fear they would be sending all over the United States.

I mention this simply as one objection. The Senator from Colorado [Mr. THOMAS] has mentioned quite a number; yet I do not think we should reach it by amendment. It may be that the provision suits the other members of the league; it may be that they want it; and it will be perfectly easy for us to declare by reservation that we will not participate in the organization provided for under Part XIII. The reservation excepting us from the operations of Part XIII could be made, and acquiescence in our retirement from that part of the treaty would leave them the privilege of going on with it by themselves if they want to; and, if they want to, well and good. I do not want it unless we are guarded a good deal more from the evil effects of Part XIII than the present provisions guard us.



Mr. MOSES. Mr. President, I wish to ask the Senator from Georgia a question before he takes his seat.

Mr. SMITH of Georgia. If the Senator from New Hampshire desires to ask me a question, it is perfectly agreeable to me that he should do so.

Mr. MOSES. Mr. President, I will preface the question with the observation that I was much disappointed that the Senator from Georgia did not pursue the illuminating course which I thought his brief remarks were destined to follow, and I should like to ask him if he can give to the Senate an outline of the character of menacing literature which he fears may flood this country at Government expense in case Part XIII of the treaty goes into effective operation.

Mr. SMITH of Georgia. Mr. President, in view of the Senator's experience in newspaper work and his broad observation of literature, it is entirely unnecessary for me to make a suggestion of that kind to the Senator from New Hampshire.

Mr. MOSES rose.

Mr. SMITH of Georgia. One moment. If the Senator had attended any of the meetings of the Committee on Education and Labor during recent examinations it has been making, or if he had heard recent testimony given before that committee of the literature that is being distributed even now by foreigners in our own country, he would have quite an amount of information about the character of the literature which might be distributed in the United States.

Mr. MOSES. But not at Government expense.

Mr. SMITH of Georgia. I will commend the Senator to a careful study of the record of the testimony taken in the steel-strike investigation before the Committee on Education and Labor. I do not think it necessary to undertake to review it here. The Senator can get from it at least a suggestion of what I fear might be the line of literature prepared by foreign labor organizations.

Mr. MOSES. Oh, yes; I am well aware that the Senator from Georgia has had exceptional advantages to know about this matter by reason of his membership on the Committee on Education and Labor; I am also well aware that both he and I have been especially privileged in the matter of gathering information as the result of our connection with the newspaper business in this country; but, Mr. President, the printed word does not carry the weight of the spoken word. It is the letter that killeth and the spirit that maketh alive. I am sure that those Members of the Senate who are not privileged, as the Senator from Georgia is, to be members of the Committee on Education and Labor, and also journalists, would be very much enlightened if he would from his own deductions and in his own way tell the Senate exactly what it is he fears instead of holding up a nebulous, shadowy menace which leads him to reject in spirit some of the provisions of Part XIII of the treaty, and which leads him to think that menace can be avoided by a reservation rather than by more drastic action.

Mr. SMITH of Georgia. Mr. President, we know that there are many socialists among the labor leaders of Europe. We know that there are men who go even further than socialists among the labor leaders of Europe. I should object to the circulation of views at public expense throughout the United States which these men entertain. I believe that many of the labor leaders of Europe go further along lines that I do not approve than labor leaders in the United States, and I do not desire to see that foreign thought distributed in the United States at Government expense.

Mr. MOSES. Mr. President, that movement is beginning in this city to-day. I understand that the majority of the foreign delegates to the labor conference now sitting in this city correspond to the description which the Senator from Georgia gives of those foreign labor leaders whose influence he fears. They are sitting here by invitation of the United States Government, and an appropriation has been made to bear the expenses of this conference, and I feel quite sure that Government money and the Government frank will carry the utterances of those socialistic delegates all over the country, so that the condition which the Senator fears may result from the treaty already exists.

Mr. SMITH of Georgia. I should like to ask the Senator a question. Does he desire such literature distributed?

Mr. MOSES. Far from it, Mr. President. I have already stated my opinion with reference to the treaty, not only as regards Part XIII but other portions of it; and I intend to take action which shall be not at all subject to any misinterpretation as to what it means. I do not believe that reservations can meet many of the defects in this treaty which we are seeking to remedy; and it is on that account that I have thus far cast every vote of mine in the Chamber, as questions relating to it

have been pending, for direct textual amendment to the treaty, concerning which there can be absolutely no dispute as to their meaning.

Mr. FALL. Mr. President, I should like to ask the Senator from Nebraska and the Senate generally if it is not possible to arrive at some agreement as to a final vote upon the treaty, with all pending amendments and reservations, and so forth—to fix a day now when a final vote may be taken?

Mr. HITCHCOCK. Mr. President, I think the best plan would be for the Senator to prepare his request for unanimous consent, so that we can examine it.

Mr. FALL. If we can agree upon a date, the preparation of the request can be easily enough made. Then I will ask the Senator whether it would be agreeable to him that the Senate, if it chose to do so, should agree to a final vote upon this treaty, and all matters pending, by the 10th day of November?

Mr. PENROSE. What day of the week is that?

Mr. FALL. Monday, the 10th day of November. That would give us to-day and to-morrow and all of next week for discussion.

Mr. HITCHCOCK. I think that is a matter which we had better take up next week, then. I should like to see the proposal reduced to writing, so that we can examine it.

Mr. FALL. That proposition needs no reduction to writing.

Mr. HITCHCOCK. Yes; it does.

Mr. FALL. The details of carrying it out would need reduction to writing.

Mr. HITCHCOCK. We do not know how many amendments may be offered, how many reservations may be offered, or how many resolutions of ratification may be offered.

Mr. FALL. That is true.

Mr. HITCHCOCK. We are very anxious, of course, to arrive at such an agreement; but it is a request which, from the very necessity of the case, must be in some detail.

Mr. FALL. My suggestion is that we definitely dispose of all reservations and amendments now pending and to be offered and the resolution of ratification on or before the 10th day of November. If the Senator will agree in principle, I have no doubt that we can agree upon a limitation of debate, and so forth.

Mr. HITCHCOCK. I think the idea is a good one; but I should first have to see the details which the Senator proposes.

Mr. FALL. Then I would suggest a limitation of 10 minutes to each speaker on any proposition.

Mr. HITCHCOCK. I mean to say, we would have to have a statement setting forth how much time should be devoted to each of the various propositions that may come before the Senate and limiting the number.

Mr. FALL. Mr. President, is not the Senator able to say now whether he would agree upon fixing that date, or an approximate date?

Mr. HITCHCOCK. Not until I see the details of the unanimous-consent agreement.

Mr. FALL. I will agree with the Senator now, beforehand, that the details of any proposition that I will make will be nothing like so voluminous as the treaty details.

Mr. HITCHCOCK. The Senator realizes that we still have some amendments to consider.

Mr. FALL. Yes.

Mr. HITCHCOCK. And no one can tell how long those amendments may take.

Mr. FALL. But we can tell if we will fix a limit.

Mr. HITCHCOCK. No; we can not even tell then. We might spend all the time on the amendments, right up to the last day, and the reservations have no time. I want a distribution of time on the various questions.

Mr. FALL. Why, Mr. President, upon any amendment that may be offered any Senator who desires to speak upon any proposition, either pending or not pending, concerning this treaty, as the Senator well knows, can use his discretion and speak upon it.

Mr. HITCHCOCK. Well, for the present I should like to see the Senator's proposal in writing.

Mr. FALL. Then, as I understand, the Senator declines now to agree upon a date?

Mr. HITCHCOCK. The Senator asks to have the Senator from New Mexico place his proposed unanimous-consent agreement in writing, so that we may offer amendments to it.

Mr. FALL. Mr. President, of course I am now asking the leader of the protreaty forces upon the other side if he will agree to a date for a vote upon the treaty and all pending reservations and amendments, including the resolution of ratification.

Mr. LODGE. Mr. President, if the Senator will allow me—

The PRESIDENT pro tempore. Does the Senator from New Mexico yield to the Senator from Massachusetts?

Mr. FALL. I yield.

Mr. LODGE. I only want to say that I should be extremely glad if we could agree upon a day to take the final vote. The details, I think, can be arranged without difficulty, if we can agree on the day to take the final vote.

Mr. HITCHCOCK. Mr. President, I am very much gratified that the Senator is willing to propose such a unanimous-consent agreement, and if he will have it in shape on Monday we will be able to give him a very prompt answer.

Mr. FALL. A portion of the time will have been expended by that time, and of course the argument can be used that the date proposed now—that is, the 10th of November—would limit the time too much.

Mr. SMITH of Georgia. Mr. President, I should like to make a suggestion.

Mr. FALL. I yield to the Senator.

Mr. SMITH of Georgia. It does seem to me that a tentative agreement, not formally made, might be had to vote by the day named by the Senator, and that the Senator from New Mexico or the Senator from Massachusetts could confer with the Senator from Nebraska, and the details could be worked out and formally submitted to-morrow morning. I believe that all Senators desire to conclude this matter by the 10th, as suggested by the Senator from New Mexico, and I can not doubt but that the details can be agreed upon.

Mr. LODGE. Mr. President, I think it would be well to agree on the 10th; but I should not object, and I do not suppose the Senator from New Mexico would object, if we made it Tuesday or Wednesday, say, the 11th or 12th. We are not standing on one particular day, but we want an agreement, as early as possible, to take the final vote on the treaty and all reservations and amendments that may be offered.

Mr. SMITH of Georgia. I can understand why the Senator from Nebraska wishes it stipulated that a certain length of time might be had upon the reservations, but I do not think there will be a bit of trouble about that. I think the amendments will be disposed of this week. I think we will be on the reservations by Monday.

Mr. CURTIS. Mr. President, the point raised by the Senator from Georgia could be reached by providing for a vote upon the legislative day of November 10. Then we could prolong that day as much as might be necessary for the consideration of the reservations. Of course, this could not be done if the date is fixed for the calendar day.

Mr. FALL. I would much prefer the calendar day, so that we would know definitely, once for all, just exactly at what moment we were going to take the vote, and everybody could be here for that purpose. The legislative day might continue indefinitely.

Of course, I have no right, in the first place, to make the suggestion and convey the impression that I am making it by agreement or making it by authority. I am simply asking for my own information. The Senator from Massachusetts [Mr. Lodge] is the leader upon this side, and is recognized as such leader. It has been suggested to me that we should agree now to dispose of all amendments this week. That is perfectly satisfactory to me. As a matter of fact, if I consulted my own personal desires in the matter, I would agree to vote at 6 o'clock this afternoon on the ratification resolution; I would agree to vote at noon to-morrow, at 6 o'clock to-morrow, or stay over until Sunday as the legislative day, and vote on Sunday, or Monday, or Tuesday, or Wednesday, or any day; but it seems to me certainly that another week might be sufficient in which to argue the reservations, the ratification resolution, and all amendments.

We are constantly told that the country is expecting us to do something. We are constantly being urged here that we must vote by a given hour upon a certain amendment; but whenever we seek to have a date fixed for concluding this matter entirely, the other Senators are not so insistent. In other words, an amendment is pending now. They would like, I presume, to have a vote upon it at this moment; but as is apparent from my suggestion and the reception which it has met, it would not facilitate the final adoption or rejection of this treaty.

It makes no difference how many votes you might agree upon now unless you can agree upon a final vote. A unanimous-consent agreement for a vote within five minutes on the pending amendment would not facilitate final action on this treaty, and that is what I am seeking to obtain. It is impossible, apparently. I will accommodate the Senator by writing down, or dictating to some one else and having written down, a proposition, and I will not wait until Monday

to present it, either, unless the Senate adjourns over. I will undertake to present it to the Senator to-morrow at the latest.

Mr. President, I have referred to Part XIII of this treaty upon two occasions in the Senate. Of course, my remarks upon those occasions were rather incidental to a discussion upon other phases. I made the statement on the floor of the Senate, Mr. President, that by the first article of the proposed treaty we are delegating to a foreign body the power or right or authority to pass upon the external relations of the United States with all countries. Whether the council and the assembly of the league of nations constitute a superior or a supine government by the adoption of the league articles we are assisting in constituting a government unknown to the Constitution of the United States.

I referred in this connection to the fact that by the adoption of Part XIII of the treaty we are now attempting to confer jurisdiction upon an extra constitutional body in all the domestic affairs of the United States. It is impossible, or practically impossible, to imagine or to conceive any phase of domestic legislation which is not affected directly or indirectly by the labor problem. Mr. President, I am sorry to interrupt the proceedings. [A pause.]

The PRESIDENT pro tempore rapped for order.

Mr. FALL. I realize the fact that an attempt, even in this body, to cite the Constitution of the United States in the last few days has become entirely uninteresting. I realize that the frame of mind in which some of my colleagues find themselves is such that they have no patience with a legal or a constitutional argument. I do not assume any extraordinary ability as a constitutional lawyer; but there are some constitutional questions involved in the consideration of this treaty which should be apparent to any ordinary intellect, whether that of a layman or of one who has had some experience in the practice of law.

The article which was just introduced and printed in the Record at the request of the Senator from Mississippi [Mr. Williams], as I understood from his statement, was one attempting to point out the effect of delay in the adoption of this proposed treaty upon the domestic affairs of this country. Certainly we have not yet lost all interest in our domestic affairs, even if we are ready to delegate to a foreign body the control over our external affairs.

Upon several occasions, Mr. President, the lawyers of this country and the Members of both branches of the legislative department of the Government have been interested in questions touching the power of this body under the Constitution to make treaties of certain kinds. The last great discussion between the two branches of the Congress of the United States followed the treaty for the purchase of Alaska. For months the House of Representatives stood upon its constitutional right, as it claimed; and only by a compromise was it finally decided that the Senate of the United States had the constitutional power to ratify the Alaskan treaty. Great lawyers, recognized authorities upon international law, fortified by their opinion the contention of the House that a treaty such as the Alaskan treaty must be submitted to both branches of the legislative department of the Government. Never yet has it been held by a reputable lawyer, within my knowledge, that the Senate, one of the branches of the legislative department, and the administrative department of the Government acting together could constitutionally deprive another coordinate branch of this Government of its constitutional prerogatives. As I said, by a drawn battle, finally a compromise, the Alaskan treaty was ratified, and the amount provided for the purchase of Alaska was voted by the Congress. But never yet, to my knowledge, has it been contended that the Congress as a whole could take from the administrative department, or from the judiciary department, coordinate branches of our Government, the constitutional authority vested in either of those branches. Never has it been claimed that either could take from this department of the Government its constitutional power and authority.

Under the articles of the league of nations provision is made for the possible creation of a world court; but under that provision it is distinctly stated that the judgment or decision of that world court should be only advisory upon the council or the assembly. In other words, as to external matters, foreign affairs, treaty interpretations, or disputes of any character between nations, the opinion of the world court may be called for by the council or the assembly, but the final decision as to such matters rests in the political body itself, the council or the assembly, as the case may be, and the decision of the great international court is only advisory.

But we find in Part XIII that the decisions of this same court upon the domestic affairs of this country shall be binding, or else, if we do not comply with the decisions, that we, by virtue



of such declination, become an international outlaw, subject to the penalties provided by the articles themselves. In other words, not by indirection, not by inference, but directly, by written word, as I construe it, the judiciary department of the Government of the United States is to be abolished by one branch of the legislative department, acting in conjunction with the administrative department, represented by the President of the United States, or else we suffer the consequences. We would become an international outlaw, agreeing beforehand that the penalties provided shall be visited upon us. We will not even be entitled to the privilege of retaliation against economic or financial pressure. We will not legally be entitled to recognition as a belligerent in event it comes to armed force. But we are an international pirate, an international outlaw, by our own agreement, if we do not cast aside and refuse to acknowledge here as applicable or binding in this country the decisions of our own great Supreme Court, and adopt the decisions of this international tribunal.

Mr. President, to me the facts are sufficient to condemn as unconstitutional Part XIII of this treaty. I pointed out some time since and quoted from the official document a note from Great Britain to this country in which, in answer to the contentions set up by the President of the United States that Great Britain had no right to call in question an act of the Congress of the United States upon a matter which we claimed was peculiarly within our province, Great Britain claiming that if enforced it would interfere with her treaty rights, the doctrine was laid down by Great Britain at that time that it was not necessary for her to await injury under the act of Congress; that it was not necessary for her to await the proclamation of the President putting in force the exemption as to the Panama tolls, but that the enactment of the legislation itself was sufficient to give The Hague tribunal jurisdiction of the question, although Great Britain had not been injured and might never be injured. In other words, under a treaty provision Great Britain maintained that she had jurisdiction to inspect, investigate, and pass upon our domestic legislation, and if, in her judgment, such domestic legislation, although never enforced, might threaten some treaty right which she claimed to have, that the jurisdiction to decide the case should be taken from the United States and vested in The Hague tribunal; and at the present time, under this treaty, it would be vested in a council and in an assembly where Great Britain has six votes to one of the United States.

Mr. NORRIS. May I ask the Senator a question?

Mr. FALL. I yield to the Senator.

Mr. NORRIS. To what tribunal is the Senator referring as having jurisdiction to make that decision?

Mr. FALL. At the present time?

Mr. NORRIS. Under the treaty.

Mr. FALL. Under the treaty, in the event Great Britain claimed that the resolution which was adopted here yesterday might tend to violate any treaty rights which she had with us, the jurisdiction to try the question would be taken from our courts, and in the event we refused, under article 12, to submit the question to arbitration, automatically the council would take jurisdiction of the case. Then upon motion of either party the matter is referred to the assembly. So the political body, not even a judicial body, but the political body in the assembly, in which Great Britain would have six votes, would have jurisdiction of the case. Of course, if Great Britain and all her colonies were parties to the question, then they would be excluded from the decision, as would we were we a party; but if Great Britain alone was a party to the dispute with the United States, then her five colonies would have five votes and we would have none.

Mr. NORRIS. The purpose I had in asking the question was to determine whether or not this particular provision, Part XIII of the treaty, would be responsible for the bringing about of such a condition.

Mr. FALL. No.

Mr. NORRIS. That exists anyway without this provision.

Mr. FALL. This particular article would not be responsible for it, more than any other article, the difference being that the league article itself—that is, article 1—deals with matters in dispute concerning external relations. Article 13 would deal with all matters in dispute concerning domestic relations, and if Great Britain claimed that, even in a matter of domestic relations, the act of Congress was in conflict with any treaty of hers or with any provision of this treaty itself, it would take the jurisdiction from our own courts or any body constituted by ourselves.

Mr. LENROOT. Mr. President—

The PRESIDING OFFICER (Mr. HARRIS in the chair). Does the Senator from New Mexico yield to the Senator from Wisconsin?

Mr. FALL. I yield.

Mr. LENROOT. The Senator, I think, gives that construction upon the theory that, if the recommendation be one of legislation, no affirmative acceptance of that recommendation is necessary to bind the United States.

Mr. FALL. Affirmative action, I think, should be taken to bind the United States.

Mr. LENROOT. Does the Senator contend that Great Britain could invoke the jurisdiction conferred by Part XIII in any case where, previous to that time, the United States had not affirmatively accepted, either through ratification of a draft convention or by legislation, the recommendations of this conference?

Mr. FALL. Not under Part XIII. I did not intend to so state.

Mr. LENROOT. No; I thought not.

Mr. FALL. But under article 1, which I was discussing in connection with Part XIII, she could do so.

When the Senator from Wisconsin was discussing one phase of this matter a few days since I called his attention at that time to the agenda which had been written and agreed upon for the consideration of the conference now in session. In subsection 4 of article 426 it is provided that this conference now should take into consideration and might make recommendation or adopt drastic conventions concerning the employment of children, the minimum age of employment, employment during the night, employment in unhealthy processes, extension and application of international conventions adopted at Berne on the prohibition of night work for women, and so forth.

The point which I attempted to make at that time, in calling attention to this agenda, was that by legislation and by a large majority the Congress of the United States has heretofore adopted child-labor laws. I voted for the acts as they came up. I resolved any constitutional doubt in favor of the legislation because I thought it was proper legislation. I thought if the States themselves would not do what I conceived to be their duty with reference to child labor, then, in the interest of the people of the United States, the Congress of the United States should intervene. There was very grave doubt as to the constitutionality of the act expressed upon the floor of this body as well as upon the floor of the House, and finally, after its passage, the Supreme Court of the United States held that it was unconstitutional.

Now, undoubtedly the Congress, by resolution or otherwise, can affirmatively approve any recommendation which may be made by the international labor union. If they do so approve it, whether they approve it by mere legislation adopting the principle, or whether they approve it by enactment of proposed legislation immediately, whatever the means of approval may be, having once done it, in my opinion the jurisdiction of the Supreme Court of the United States is ousted and the jurisdiction is vested in the labor council and the high labor court.

Mr. LENROOT. Mr. President—

Mr. FALL. I yield to the Senator from Wisconsin.

Mr. LENROOT. The Senator means, I take it, that literally under the terms of the treaty the jurisdiction would be ousted.

Mr. FALL. That is what I mean.

Mr. LENROOT. The Senator does not mean, nor do I believe, that the jurisdiction of the Supreme Court would be ousted concerning any draft convention or recommendation that the Supreme Court might find to be in violation of our Constitution.

Mr. FALL. Mr. President, if the Senator votes for the ratification of this article, I think that, in so far as it is possible for him to do so, he is voting to oust the Supreme Court of the United States from its jurisdiction. As to the legal result of such vote, I agree with him that if the Constitution of the United States remains at all, you can not by this treaty oust the Supreme Court of the United States from its jurisdiction.

Mr. LENROOT. The Senator will agree with me that the Constitution does remain in full force and effect, notwithstanding any provision of any treaty?

Mr. FALL. Mr. President, I thought I was one, possibly, among the Senators here to occupy that position. Listening to the arguments, I had come to the conclusion that I was possibly alone, and I wondered if I was demented; I wondered if my mind was affected to such an extent that I alone yet believed that the Constitution of the United States would remain in force after the adoption of this treaty.

Mr. NORRIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Nebraska?

Mr. FALL. Certainly.

Mr. NORRIS. I want to get the Senator's idea. I am deeply interested in what he is saying in reference to this provision of the treaty. In order to get his idea, I want to put a concrete question to the Senator.



Mr. FALL. Will the Senator, before he propounds the question, allow me to continue for a sentence or two as to the matter which has just been suggested before I get away from that question?

Mr. NORRIS. Certainly.

Mr. FALL. I made the remark which I just have made concerning my position with reference to the Constitution of the United States for the reason that, having discussed first the constitutionality or unconstitutionality of the proposed league covenant, I later attempted in my poor way to take up some of the arguments made by Senators here as to the power to put in effect, the authority to enforce, any of the powers or rights or jurisdictions which we were, constitutionally or unconstitutionally, attempting to vest in a super or extra constitutional body. In discussing the question from that phase, I alluded to the historical debates concerning our own Constitution. There was no provision in the Constitution of the United States by which the United States itself could use force to put in effect in any State any act of the Congress of the United States. For 30 years or more in the Senate of the United States, in various political campaigns, and in the House of Representatives, it was solemnly and earnestly asserted that under the Constitution of the United States there was no power in the Federal Government to enforce in a State any act of the Congress of the United States. This culminated in the nullification resolutions and Andrew Jackson's threat to hang John C. Calhoun. The constitutional debates between Calhoun and Hayne upon the one hand—I mention only the more illustrious of the great orators and statesmen and constitutional expounders of the day—and Daniel Webster upon the other, I submit at the present day would be most instructive in forming literature for the perusal of some of the Senators.

As I called attention at that time, the remarks of one of the Senators from Tennessee and other Senators in this body were identical, almost word for word, sentence for sentence, and with the same punctuation marks, as the remarks of John C. Calhoun and Hayne in attacking the power of the Congress of the United States to enforce its acts in a State. I then called attention to Webster's answer to the proposition, that so long as they remained in the league, as they called it, so long as they remained in the Union of States, they could not nullify; that they might revolt with all the consequences of revolution, but they could not nullify; and, looking upon the effect of those articles as I do, differently from the position taken by eminent colleagues upon this floor and for whose great ability and legal knowledge I have the utmost respect, occupying yet as I do the position which I entertained when I first read this document, I say that their arguments are answered by Webster's statement that you can not fail to carry out the recommendations of the council without revolution. Your argument is the nullification argument of John C. Calhoun and of Hayne.

To me the statement that there is no power in the council or the assembly to enforce its decrees or its orders, whatever they may be, is John C. Calhoun's and Hayne's argument with reference to the acts of Congress, even to the tariff act, precisely. The broadest latitude is given them to deal with all affairs which affect the peace of nations or the peace of the world or the welfare of the world; they can make any order they please, any recommendation they please; but you say they are most powerless, with no force with which to carry it out.

Mr. BRANDEGEE. Mr. President—

The PRESIDING OFFICER (Mr. SPENCER in the chair). Does the Senator from New Mexico yield to the Senator from Connecticut?

Mr. FALL. I yield.

Mr. BRANDEGEE. Supposing force were tendered to the league to carry out its decrees without any expense to itself?

Mr. FALL. I propose to touch upon that point, Mr. President, and I thank the Senator for calling my attention to it. I will refer to it now.

Under article 8 of the proposed league covenant, among other things, it is provided that armaments shall be reduced "to the lowest point consistent with national safety and the enforcement by common action of international obligations." It is useless to say to me that "enforcement by common action" was just simply language thrown in; that it means nothing, especially in view of the wording of article 9, to which I have called attention upon more than one occasion and to a portion of the history of which I want to call attention again.

Article 9, as originally proposed, was the Bourgeois French proposition. Bourgeois is now the French member of the council, having been recently appointed. His proposal, for which article 9 was substituted, provided for an international staff and an international army with which to enforce international obligations, but in words such as he used "the big four" would

not adopt his proposition. They couched it in much subtler language, but in language, according to my judgment, practically of equal strength.

A permanent commission shall be constituted—

By a majority of the council—

to advise the council on the execution of the provisions of articles 1 and 8.

That language has been referred to as amounting to nothing whatever; it has been stated that that simply had reference to the question of the entrance of new States into the league, upon the one hand, in article 1, and to the question of disarmament, which is incidentally referred to in article 8, upon the other. Senators in commenting upon it have most assiduously and carefully refrained or else wisely overlooked the provisions that the permanent commission shall advise the council as to "the enforcement by common action of international obligations"—a military commission.

Article 11, as I have insisted from the opening of this debate, from the day that the treaty was placed before us, and not article 10, is the heart of this treaty in so far as it affects our domestic rights, constitutional privileges, and the future destiny of the United States of America. It is provided in article 11, among other things, that the league, acting through the assembly or the council—and in this instance it is the council—

Shall take any action that may be deemed wise and effectual to safeguard the peace of nations.

Still I am told, with a sneer, that these words mean nothing. Why? Because definitely it is not provided that they shall have, if they can secure the means, the inferential power to enforce their orders. When it is recalled that the Supreme Court of the United States has declared that the Union has the inferential power to enforce its orders, and that only the means need be provided, the answer to the question asked by the Senator from Connecticut [Mr. BRANDEGEE] becomes, of course, apparent. Means only are necessary. They have the power; they have the military advisers; they have been given the authority; their military staff has been provided. That is what the permanent commission provided for in article 9 amounts to. Disguise it as you may, the league has been given military advisers to aid in determining how the orders shall be executed. They have been invested with the authority to promulgate their orders; the only failure has been to provide the means which they may use to carry them out.

It is, therefore, a very pertinent question which is asked by the Senator from Connecticut. Suppose that Great Britain tenders the use of her fleet and her Army or that she tenders the use of her fleet and another nation the use of her Army. I ask the strict constructionists on the floor, who have been illuminating this question by their great wisdom, what provision is there in the league covenant which denies the right to use such a loaned force to enforce the obligations?

Mr. NORRIS. Mr. President—

Mr. FALL. I yield to the Senator from Nebraska.

Mr. NORRIS. If it will not disconcert the Senator in what he has to say, I wish to refer back to a question which I intended to ask earlier, although it does not pertain to the matter that he is now discussing.

Mr. FALL. I am glad to have the Senator from Nebraska ask the question.

Mr. NORRIS. I am very much interested in the Senator's discussion of the constitutional question involved as it pertains to any recommendations that might be made under the labor provisions of the treaty. I desire to base a question on the facts which the Senator himself has brought out. He has referred to the child-labor law enacted by Congress which was held by the Supreme Court to be unconstitutional. Now, let us assume that the conference under the labor provisions of this treaty is in session, and one of the questions of which they have jurisdiction is child labor; let us assume that they recommend to us and to the other nations a child-labor law; and for the purposes of the question let us assume that it is the same law that Congress passed and that the Supreme Court held to be unconstitutional, and that, in accordance with the provisions of the labor part of the treaty, Part XIII, it is referred to Congress and Congress approves it. Now, we are brought up to the point where, through this indirect means, we have the child-labor law back just as we passed it and just as it was in effect nullified by the Supreme Court. What is the legal condition, then, of that law?

Mr. FALL. So far as the legal condition is concerned, Mr. President, it is difficult to answer except as to my own conception. I would unhesitatingly say that it was yet unconstitutional, because I maintain that the Constitution of the United States remains in force and can not be abrogated by Part XIII or any other provision of any treaty.



But what is the position, aside from my conception of the legal proposition? It is to be assumed—and it is no violent assumption—that the Supreme Court would again declare it unconstitutional, because I say to you, sir, that the Supreme Court is never going to allow itself to be deprived by treaty or by act of its constitutional powers and prerogatives.

Therefore in what position are we? We have agreed by resolution approving the recommendation of the labor conference that we would enact legislation to put it in force; we enact the legislation and the Supreme Court declines to allow it to be enforced. The people of the United States, in my judgment, are not yet ready to overthrow the Supreme Court of the United States. If they do, then, of course, they will change their Constitution, as the people have a right to change it; we have not. But we have agreed beforehand that in such event penalties shall be inflicted upon this Nation by an embargo or economic or financial pressure, and, according to my conception of the league of nations covenant, we would finally be subject to armed compulsion, because the league of nations is compelled finally to assist the labor council in putting into effect the provisions of the articles when they are violated.

Mr. NORRIS. Then, Mr. President, if the Senator will yield further—

Mr. FALL. I yield.

Mr. NORRIS. Would we not be in this position: Assuming now that we had gone on as far as suggested in my original question and the power were exercised under this treaty to compel us to obey, after Congress had agreed as before stated, and the provision in regard to the infliction of punishment were about to be enforced, then we would be faced with the proposition that we would either have to defend ourselves against the league of nations or against the Supreme Court of the United States, would we not? We would either have to violate the decree of the Supreme Court of the United States or we would have to refuse to carry out the decree of the league.

Mr. FALL. Exactly.

Mr. NORRIS. And in that case we might get into trouble by being subjected to the punishments that are provided for in the treaty.

Mr. FALL. In the one case we must refuse to obey the decision of the Supreme Court, a coordinate branch of this Government, which means revolution, the overthrow of law, or we would be in rebellion against the league of nations and an international pirate, not to be treated under our own agreement even as a belligerent entitled to be protected by the rules of civilized warfare.

Mr. SHERMAN. Mr. President, will the Senator yield for a moment?

Mr. FALL. I yield to the Senator.

Mr. SHERMAN. There is not only in the league of nations covenant a provision governing the procedure referred to by the Senator, but in article 414 of the treaty there is a provision that a commission of inquiry shall be created to investigate these questions and make a report.

Mr. FALL. Certainly.

Mr. SHERMAN. That article also provides that the commission of inquiry "shall also indicate in this report the measures, if any, of an economic character against a defaulting government."

Mr. FALL. Certainly.

Mr. SHERMAN. So that an embargo could be laid upon our commerce and port regulations could be enforced to exclude our ships from the harbors of any nation seeing fit to take such action, or other economic pressure that might be very burdensome could be applied to us. In the case of Great Britain can not the Senators see what a tremendous power in connection with foreign commerce would be afforded?

Mr. FALL. Yes; and, of course, Mr. President, the Senator recognizes that Great Britain has 24 votes in this labor league to 4 of the United States, and that in the final analysis, economic pressure not being sufficient to make us comply, the league of nations stands behind to compel our compliance, and, as I have said, even with armed force if such an armed force is provided by being loaned or otherwise; and we become an international outlaw.

Mr. President, the matter of the inquiry is one of the things I had in mind when I referred to Great Britain's declarations with reference to our domestic legislation which amounted to a statement that she had a right to supervise the acts which we pass here, and at any time when she conceived that one of those acts was an interference of a treaty with her she need not wait to be injured or have the act enforced to her injury, but that at once, under the treaty and The Hague agreement, our tribunals were divested of authority and authority was conferred upon the arbitration tribunal, which

now would be the council and the assembly of the league of nations. Under this provision to which the Senator has called attention not only would that be the case—that is, that our domestic legislation would be subject to investigation and supervision to ascertain whether in any respect it might be an impairment of a treaty obligation—but, under this provision, it would be subject to inquiry as to whether it in any way infringed upon any of the provisions of Part XIII or any of the orders taken in pursuance of those provisions.

Why, Mr. President, to me it is almost academic to discuss these propositions. I must admit that I am somewhat at a loss to find words in which to convey my meaning, except words of the very simplest character, because the meaning of the provisions themselves is so apparent that they should need no discussion to emphasize them. It is hard to discuss an obvious matter.

But, Mr. President, another complication with reference to this article, as well as with reference to other provisions of this treaty, which affects us as it affects neither of the other allied and associated powers, the five great powers—another complication which has not been referred to; or, if so, only in the most casual manner, here upon this floor—grows out of the diverse population of the respective countries.

Great Britain has a homogeneous population. Ninety-five per cent of her laboring class are organized. In other words, organized labor in Great Britain numbers 95 per cent of the total labor of the kingdom. In this country organized labor numbers less than 8 per cent, or approximately 8 per cent, of the total. In Great Britain the labor is British labor, whether English, Welsh, Irish, or Scotch. In France the labor is French labor. In Japan it is Japanese labor. In Italy it is Italian labor. In the United States, what is it? We are told now that more than 60 per cent of the labor engaged in the great steel strike is foreign labor. What the number of foreigners may be now engaged or proposing to engage in the great coal strike, I do not know. I have heard it placed as high as 73 per cent. In my own State of New Mexico, from the coal mines of which we supply all the great smelters and the railroads of the Southwest, I will say that at least 60 per cent of the labor is foreign. In dealing with the other great nations with whom we are proposing to form an alliance, we overlook the fact that we have conditions confronting us here that they have not to confront. They have populations born and raised under their laws, the laws existing for centuries. Out of a total of 81,000,000 of white stock populating this country in 1910, thirty-two and a fraction million were foreigners, either foreign born or of the first generation.

I have here a table prepared from the census reports, official, but compiled from various sources in the reports themselves, showing not only the foreign and first-generation population in 1910, but even, as it has been drawn for me, showing the numbers of such population by race; and after referring to it for a moment in passing I am going to ask that it may be printed at the conclusion of my remarks on this point for the information of the Senate.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FALL. This data is taken from the census reports of 1910.

Out of a total white stock of 81,000,000 in the United States, the foreign-born population at that time numbered 13,345,545; of foreign parentage—that is, children born here, both parents born abroad—the population was 12,916,311; of the children born here at least one of whose parents was born abroad, the population numbered 5,981,526; a total of 32,243,382.

By percentages, the total foreign white stock in the United States in 1910 numbered 32,243,382, of whom 13,345,545, or 41½ per cent, were foreign-born whites; 12,916,311, or 40½ per cent, were native whites of foreign parentage; and 5,981,526, or 18.6 per cent, were native whites of mixed parentage.

Now, let us see—

Mr. NORRIS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from New Mexico yield to the Senator from Nebraska?

Mr. FALL. I yield.

Mr. NORRIS. Before the Senator passes to another subject—my attention was attracted just when the Senator commenced, and he may have given this information—do the percentages and the figures which the Senator has been giving relate to any particular part of the population?

Mr. FALL. No; simply the foreign white stock of the population. In other words, the total white stock in the United States of all classes in 1910 was a fraction over 81,000,000. Of this white stock 32,243,382 were either foreign born or of the first generation.

Mr. NORRIS. I was wondering whether they applied to the whole population, as I see they do, or whether the Senator was attempting to apply them to the laboring people only.

Mr. FALL. No. I am going to read, as rather interesting, the numbers of the racial stocks.

England, for instance, had here of foreign-born population 876,455; of foreign parentage—that is, the first generation—592,285; of mixed parentage, 853,702. In other words, there were more Americans of white stock in America of English ancestry than there were Americans of white stock in America of any other race. Ireland had of foreign-born population, in 1910, 1,352,155; of the first generation, 2,141,577; and of the mixed parentage, first generation, 1,010,628; or a total of 4,504,360.

Mr. NORRIS. The Senator means there were that many Irish in America?

Mr. FALL. Certainly.

Mr. NORRIS. As the Senator read it—I say this because I am satisfied he will be glad to have the impression corrected—it would appear as though he were reading statistics from Ireland.

Mr. FALL. Oh, no; I was reading the statistics of the white foreign stock in the United States, of course, and I was simply reading, as a matter of interest, the racial derivation of some of this white stock, because in the other tables which have been compiled I have not seen the racial differences set up.

Germany, foreign born—of course, this is in the United States—2,501,181; of foreign parentage, 3,911,847; of mixed parentage, first generation, 1,869,590; or a total of 8,282,618.

Of Swedes, a total of 1,364,215.

Of Italians, 2,098,360.

Of Russians, 2,541,649.

Of Austrians, 2,001,559.

Of Hungarians, 700,227.

Of Roumanians—of course, many of the Roumanians are classed as Austrians or of other nationalities, where in Austria, as in the Baltic countries, the population of each of the States, of course, is mixed—87,721.

Bulgaria, Serbia, and Montenegro, small, only about 22,000.

Greece, 109,665.

Canada, total French, English, and Irish, 2,754,615.

Mexico, 382,002.

I ask that this table may be printed in the Record.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The table referred to is as follows:

Country of origin of the foreign white stock.  
[Page 875, Vol. I, Census of 1910.]

Country.	Foreign born.	Foreign parentage.	Mixed parentage.	Total.
England.....	876,455	592,285	853,702	2,322,442
Scotland.....	261,034	175,391	223,238	659,663
Wales.....	82,479	84,934	81,534	248,947
Ireland.....	1,352,155	2,141,577	1,010,628	4,504,360
Germany.....	2,501,181	3,911,847	1,869,590	8,282,618
Norway.....	403,858	410,951	164,290	979,099
Sweden.....	605,183	546,788	152,244	1,364,215
Denmark.....	181,621	147,648	70,795	400,064
Netherlands.....	120,053	116,331	57,190	293,574
Belgium.....	49,397	26,448	13,419	89,264
Luxemburg.....	3,068	2,381	1,496	6,945
France.....	117,236	78,937	96,216	292,389
Switzerland.....	124,834	90,669	86,147	301,650
Portugal.....	57,623	41,680	11,819	111,122
Spain.....	21,977	4,387	6,770	33,134
Italy.....	1,343,070	695,187	60,103	2,098,360
Russia.....	1,602,752	873,035	65,842	2,541,649
Finland.....	129,669	76,261	5,096	211,026
Austria.....	1,174,924	709,070	117,565	2,001,559
Hungary.....	495,690	191,059	13,598	700,227
Roumania.....	65,920	20,707	1,094	87,721
Bulgaria, Serbia, and Montenegro.....	21,451	948	286	22,685
Greece.....	101,264	5,524	2,877	109,665
Turkey in Europe.....	32,221	2,560	533	35,314
Europe—not specified.....	2,853	2,926	1,797	7,576
Turkey in Asia.....	59,702	17,480	1,449	78,631
All other countries.....	4,612	517	2,135	7,264
Canada—French.....	385,083	330,976	216,179	932,238
Canada—other.....	810,987	307,291	704,099	1,822,377
Newfoundland.....	5,076	1,836	1,723	8,635
Cuba and other West Indies.....	23,169	8,681	9,992	41,842
Mexico.....	219,802	197,866	54,334	382,002
Central and South America.....	9,069	807	3,634	13,510
All other.....	40,167	14,214	20,142	74,523
Of mixed foreign parentage.....		1,177,092		1,177,092
Total.....	13,345,545	12,916,311	5,981,526	32,243,382

#### SUMMARY FOR 1910.

The total foreign white stock in the United States in 1910 numbered 32,243,382, of whom 13,345,545, or 41.5 per cent, were foreign-born whites, 12,916,311, or 40.1 per cent, were native whites of foreign parentage, and 5,981,526, or 18.6 per cent, were native whites of mixed parentage.

Mr. NORRIS. Mr. President, I should like to inquire of the Senator about the last figures he gave—the Mexicans. Does that total include the mixed parentage?

Mr. FALL. It does; but the mixed parentage is 54,334, and, of course, the Senator understands that that does not apply to the treaty citizenship. In other words, the population figures here do not apply to New Mexico, my State, and to other States such as Arizona, California, and Texas, where these Mexicans came in by treaty as citizens. It applies only to the foreign immigration.

Mr. NORRIS. I only asked the question because I wanted further to illuminate the subject that the Senator is discussing. I think it is an exceedingly interesting proposition in connection with this labor provision of the treaty, particularly after the Senator has coupled it, as he has, with the fact that this is the only country in the league, or, at least, it is the only one of the principal countries in the league, where that condition exists.

Mr. FALL. The only one of the five principal allied and associated powers.

Mr. NORRIS. I confess that the idea had never before occurred to me, and I can see its importance. In none of the other nations—England, France, Germany, Italy, or Japan—is that question involved. They do not have to give it consideration, as we ought to do.

Mr. FALL. That is true, Mr. President; and the fact that it should be very seriously considered here in this country is confirmed by the fact, well known, that in the Balkan countries and in the remaining portion of the remnants of the Austrian Empire the question of mixed nationalities is a burning question to-day, with which the Senate must be confronted and must deal in a short time.

Mr. NORRIS. Mr. President, if the Senator will permit me, it is a burning question and always will be a burning question here. If we get into any difficulty in which the races in Europe are our antagonists, we will have a line-up immediately, as was the case in this war. We can not avoid it on account of our mixed population.

Mr. FALL. Undoubtedly, Mr. President. The fact is that we, of the five allied and associated powers which are to-day undertaking to govern the world, are the only power in which, of the total white population, more than one-third, approximately 40 per cent, are of foreign birth or of foreign parentage, and which, coming from all of the nationalities of the earth, enters into every phase of our everyday life. But the matter I have reference to particularly in saying this is that the questions now agitating the storm center of the world, the Balkans, would be presented to us and must be met by us, as we have saddled upon ourselves by this treaty the disposition and settlement of those questions, and have left our own domestic questions of the same character entirely unsettled or to be settled by foreigners.

We have provided that Roumania, Poland, Czechoslovakia, the Czecho-Slovene State, Hungary, and the other Balkan States of mixed blood, must enter into a treaty with us by which we will see that they are guaranteed the rights of racial minorities and linguistic minorities. We have assumed that burden, and to-day we are, because of our cowardice in the front of labor, or for some other reason, afraid to deal with the foreign question within our own boundaries; or at least we fail to do it.

We go out in the world and hunt up propositions to saddle upon the people of this country, for unknown generations, burdens to be borne by the taxpayers of this country in dealing with the Roumanian or Ruthenian populations in Hungary or Poland, when we have here at home our own burning racial questions and linguistic questions. We passed an act, in force now, that no foreign-language paper shall be sent through the mails until a translation of what is contained in it shall be filed with the Postmaster General; and then we propose to say to Roumania, "You must never pass such an act, no matter what the circumstances, with reference to any Serb or Croat or Slovene within your boundaries; and we, the United States of America, will see that you do not pass such an act."

We deal with it in labor, we deal with it in all foreign questions, and then, Mr. President, this phase of it may possibly appeal to some statesman who must seek reelection at the hands of his people next year. We will deal with it in every political campaign from the election of an alderman in New York City to an election of a President of the United States. So long as you inject yourself into foreign questions concerning the disposition of Fiume and into trouble between the Serbs, Croats, and Slovenes on the one hand and Italy on the other the Italian colony in Albuquerque, N. Mex., will want to know where the candidate for Congress, upon the Republican or upon the Demo-



cratic ticket, stands with reference to the disposition of Flume. In the coal mines the Serbs, the Croats, and the Slovenes, the Roumanians, the Italians, and the Sicilians will all be aroused, and every candidate must make a pledge or lose the vote of one or the other, and if he makes his pledge and gains the vote of one he loses the vote of the other. The United States, with sufficient troubles of her own, with her labor troubles, with her great economic questions to settle, is now proposing that into politics, where those questions belong—because there the people speak—into our political campaigns, shall be injected every row, every foreign question, with reference to the ultimate disposition of the free city of Danzig. The Poles will be arrayed on the one hand and the Germans upon the other, fronting every election booth at the next election.

And still some of our friends flatter themselves that this league will not be a political question in the next campaign. I say to you now—and mark whether I am a political prophet—that it will be a burning political question in every campaign in the United States until the people have elected a Congress which will obey their wishes and restore the constitutional Government of the United States and throw this treaty into the sea, because that can be done finally. The Congress of the United States, elected by the people of the United States, can denounce a treaty, as they denounced the treaty of alliance with France and as they denounced the treaty of amity and commerce and immigration with Russia. The people of the United States will force you back into Americanism, or else, if they do not, they themselves are not worthy of the American Government formed by our fathers.

Mr. President, I have spoken at greater length than I had anticipated. The argument of the Senator from Colorado [Mr. THOMAS] upon the different phases of this particular question now pending covered the subject so fully and so thoroughly, and was so lucid in its explanation and exposition of the different provisions, that it would be a matter of supererogation to undertake to discuss the different provisions in detail; therefore I have confined myself entirely to the legal, constitutional, and governmental questions involved. Again, while not a prophet nor the son of a prophet, I venture to say to you that you may abrogate your powers, you may surrender your constitutional authority, the President of the United States may abdicate in favor of Lloyd-George, but the Supreme Court of the United States will yet remain as the rock of this Government, the ark of this covenant, and will maintain an American Government until the American people themselves can be heard.

Mr. SHERMAN addressed the Senate. After having spoken for some time,

Mr. LODGE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from Massachusetts?

Mr. SHERMAN. I yield.

Mr. LODGE. I offer a unanimous-consent agreement, which I ask to have printed and lie on the table. It may go over until Monday, when I shall call it up. I ask for this interval of delay because the Senator from Missouri [Mr. REED], who, as everyone knows, has a very deep interest in this question, is ill and confined to his house; and I should like him to have an opportunity to see this proposed agreement before it comes up for consideration. So I merely introduce it now and ask that it be printed and lie on the table.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HITCHCOCK. Let it be read, Mr. President.

The PRESIDENT pro tempore. The Secretary will read the proposed unanimous-consent agreement.

The Secretary read as follows:

It is agreed by unanimous consent that on the calendar day of Wednesday, November 12, 1919, the Senate will vote finally upon the resolution of ratification of the peace treaty with Germany; that on and after the calendar day of Monday, November 3, 1919, up to the calendar day of Monday, November 10, 1919, no Senator shall speak more than once nor for a longer period than one hour upon any amendment to the text of the treaty, or upon any amendment proposed or that may be proposed to the resolution of ratification, or to any reservation pending or offered thereto; that on and after the calendar day of Monday, November 10, 1919, no Senator shall speak more than once nor for a longer period than 10 minutes upon any amendment pending or offered to the text of the treaty, or upon any amendment pending or proposed to the resolution of ratification, or to any reservation proposed to be incorporated therein; that at the hour of 5 o'clock p. m., on the calendar day of Wednesday, November 12, 1919, debate shall end and voting shall begin, and shall be proceeded with until all amendments and reservations and the perfected resolution of ratification have been finally disposed of: *Provided*, That nothing in this agreement shall prevent the Senate from voting upon any amendment or reservation as the same is reached.

Mr. HITCHCOCK. Mr. President, I offer the following unanimous-consent agreement, which I also ask to have printed

and lie on the table in accordance with the request already made by the Senator from Massachusetts:

That beginning with the adoption of this unanimous-consent agreement the Senate shall proceed with the consideration of the pending German treaty, including proposed amendments, reservations, interpretations, and resolutions of ratification, at sessions which shall begin at 11 o'clock a. m. each day. No Senator shall speak more than once nor longer than 15 minutes on any pending question during the further consideration of this treaty and relating to action upon it.

The PRESIDENT pro tempore. Without objection, the proposed unanimous-consent agreement of the Senator from Nebraska will be printed and lie on the table.

Mr. BORAH. I understand that both these unanimous-consent agreements are simply to be printed and lie on the table.

The PRESIDENT pro tempore. Both proposals are to be printed and lie on the table until Monday.

[Mr. SHERMAN resumed his speech. After having spoken in all about one hour, he yielded the floor for the day.]

#### ADJOURNMENT TO MONDAY.

Mr. SMOOT. Mr. President, it is now 5 o'clock, and I understand that it is agreeable to both sides that the Senate shall adjourn until Monday. I move that the Senate adjourn until Monday next.

The motion was agreed to; and the Senate (at 5 o'clock p. m.), as in open legislative session, adjourned until Monday, November 3, 1919, at 12 o'clock m.

## HOUSE OF REPRESENTATIVES.

FRIDAY, October 31, 1919.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father Almighty, impart unto our authorities in State and Nation wisdom, courage, fortitude, tempered with charity, that they may meet the great calamity which threatens the Nation, that law and order may obtain for the good of all.

Bring in Thine own good time together capital and labor, without hate and rancor, that justice and equity may be the fruits of their labors; and Thy name be hallowed, in the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 3202. An act granting leave of absence to officers of the Coast Guard, and for other purposes.

The message also announced that the Senate had passed the following concurrent resolution:

#### Senate concurrent resolution 15.

*Resolved by the Senate (the House of Representatives concurring),* That we hereby give the national administration and all others in authority the assurance of our constant, continuous, and unqualified support in the use of such constitutional and lawful means as may be necessary to meet the present industrial emergency, and in vindicating the majesty and power of the Government in enforcing obedience to and respect for the Constitution and the laws and in fully protecting every citizen in the maintenance and exercise of his lawful rights and the observance of his lawful obligations.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 3319. An act to provide for the reimbursement of the United States for motive power, cars, and other equipment ordered for railroads and systems of transportation under Federal control, and for other purposes.

#### SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3319. An act to provide for the reimbursement of the United States for motive power, cars, and other equipment ordered for railroads and systems of transportation under Federal control, and for other purposes; to the Committee on Interstate and Foreign Commerce.

S. 3202. An act granting leave of absence to officers of the Coast Guard, and for other purposes; to the Committee on Expenditures in the Treasury Department.